

A Cry for Help

Service Employees International Union
October 15, 2020



Our Perspective from the People on the Frontline of Care

Pre-COVID Conditions in Long-Term Care

Staffing Levels and Working Conditions

- February 2019 survey
- 66% of respondents indicated workplace had been short-staffed for 1 year or longer
- 59% of staff report working short almost always, while another 37% report working short at least sometimes; only 4% of staff report never working short
- As a result of a “business” model meant to deny people benefits, full-time jobs are not maximized, causing staff to work at multiple sites to make ends meet
- It’s a system built on the exploitation of new immigrants and women of colour in particular
- A system we most recently confronted through the media in 2019 with no action from operators and volatility of proposed cuts by the province



Staff Shortages Compound Physically and Emotionally Demanding Work

- In February 2019 survey, 84% of Respondents indicated that 1 or more job postings in their workplace had not been filled. 59% of respondents indicate that they “Always” have too much work to do. 60% of Respondents report “Always” or “Almost Always” working through their lunch or breaks.
- 51% of Respondents indicate that they “Always” have upper body pain. 48% indicate that they “Always” have lower body pain. 49% indicate that they “Always” have back pain. 48% of Respondents indicate that they are “Always” stressed after work.
- Review of 90 central bargaining LTC Homes showed that 43 homes had a turnover rate above 50% for the period 2016 – 2019. The mean turnover rate was 48%

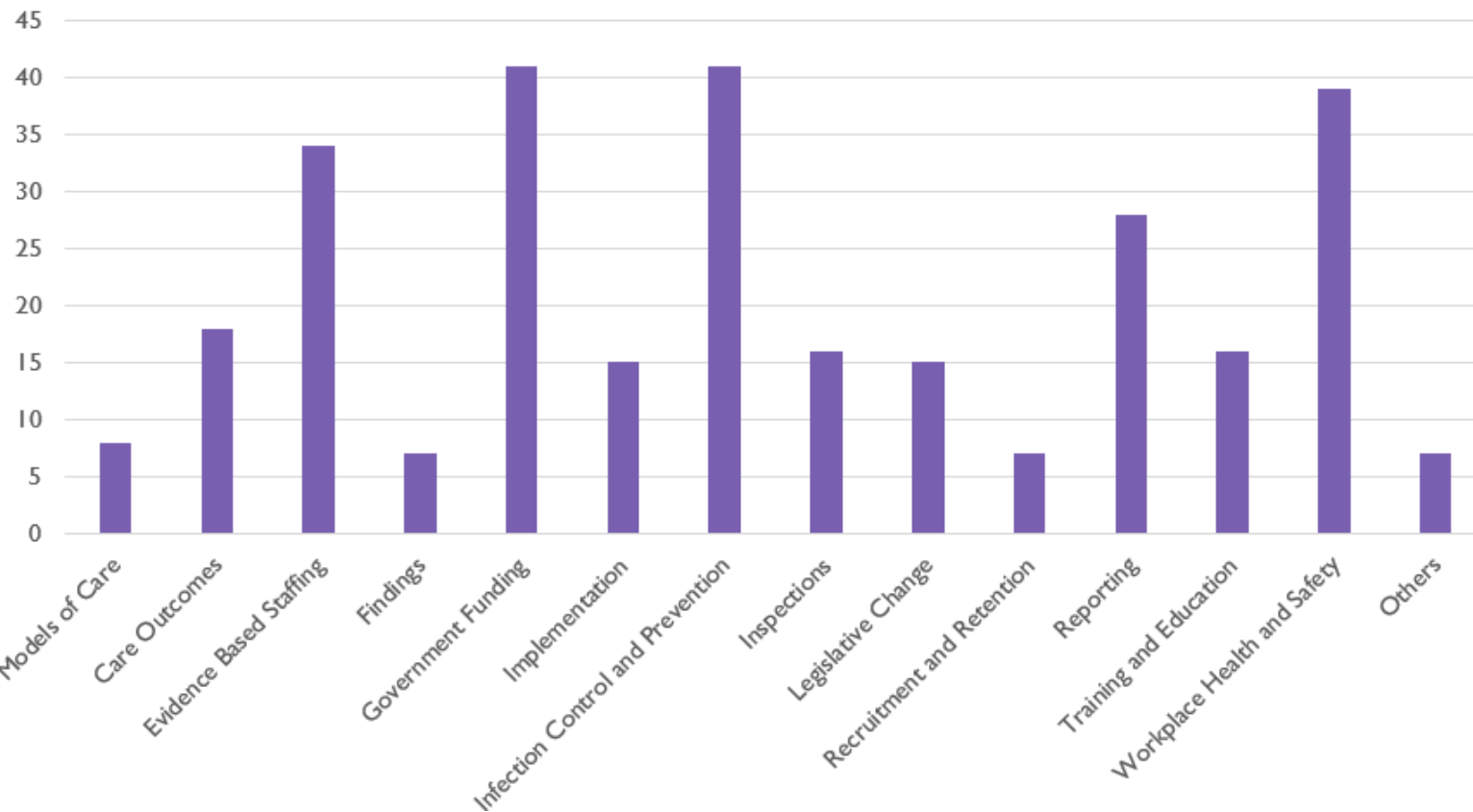
Past Conditions in Long-Term Care

- Government policy and legislation, like Bill 124, contribute to retention between employers and sectors
- Chart below based on the personal support worker classification

Sector	Wage Range
Home and Community Care	\$16.78-\$17.82
Retirement Homes	\$16.50-\$21.50
For-Profit LTC	\$19.52-\$21.15
Non-Profit LTC	\$19.86-\$21.69
Hospitals	\$22.51-\$23.31

Many Recommendations Provided and Many Reports Never Utilized

Frequency of Previous Recommendations (1999-2020)



We don't need another report of ignored recommendations, we need action:

- Government Funding
- Infection Control and Prevention
- Workplace Health and Safety



Campbell Report Lessons Ignored Prior to and During COVID-19 Pandemic

- Adopt the Precautionary Principle
- Increase Funding
- Improve Communication
- Worker Safety and the Role of the Ministry of Labour



Interim Actions

- Penalties for breaking government Directives and violation of standards including refusals to distribute appropriate PPE supplies to staff
- Consistent communications and protocols between government and public health
- No new builds awarded to for-profit nursing home operators
- Universal wages and wage increases for all job classifications
- Transition part-time work to full-time jobs
- Increase staffing levels above current levels announced by government
- More frequent, unannounced, in-person inspections
- Immediate and consistent cohorting of residents and staff when outbreaks occur
- Mandatory communications of infectious disease protocols to staff and families and immediate notice of outbreak to all stakeholders

Long-Term Actions

- Complete phase out of all for-profit nursing homes in Ontario
- Minimum target of 4 hours of care per resident per day
- Doubling of staff-to-resident ratios
- End contracting-out of services like laundry and food preparation
- End contracting-in transitory agency staff
- Solving recruitment and retention challenges by increasing the number of full-time jobs with higher wages and benefits like pensions and paid sick leave

“The conditions of work become the conditions of care.”

-eldercare expert Pat Armstrong



Families of 1,800+ Deceased Loved Ones Deserve Transparency and Accountability

- Christine Mandegarian – PSW at Altamont Care Community in Scarborough, passed away on April 15, 2020. She had been providing care at Altamont for 31 years.
- Arlene Reid – PSW employed by the Victorian Order of Nurses (VON), providing care at multiple facilities passed away on April 30, 2020.
- Sharon Roberts – PSW at Downsview Long-term Care in North York, passed away on May 1, 2020. She had been providing care for 24 years.



Chronology of the Crisis

Early Pandemic Key Dates

- **January 25, 2020** – First case of COVID-19 in Ontario
- **March 11, 2020** – WHO declares COVID-19 a global pandemic
- **March 12, 2020** – First public health directive (Directive #1) is issued
- **March 13, 2020** – SEIU, Unifor, CUPE, ONA, and OPSEU press conference at Queen's Park regarding precautionary principle in SARS Report
- **March 16, 2020** – SEIU, Unifor, CUPE, ONA, and OPSEU call with Minister Elliott and Dr. Williams
- **March 12, 2020** – First public health directive (Directive #1) is issued
- **March 17, 2020** – Provincial Government declares state of emergency
- **March 21, 2020** – Call with Minister Elliott on hospital redeployment orders
- **March 23, 2020** – Call with Minister Fullerton on LTC redeployment orders
- **April 15, 2020** – First SEIU Healthcare member dies from COVID-19

SEIU Study – Worst Performing Homes

Key findings:

- All 16 struggling homes were private / for profit
- Only 1 struggling home provided full disclosure of policies to SEIU; 2 others provided partial disclosure
- Majority of struggling homes not cohorting
- 13 of the 16 struggling homes identified significant staffing issues
- 6 of the 16 struggling homes limited surgical masks to 1 per shift, another 2 limited to 2 per shift
- 2 of the 16 struggling homes had N95 masks available
- Consistent problems in all homes regarding communication of updates and directives from management to staff

SEIU Study – Successful Homes

Key Findings:

- All 9 homes surveyed made early requests for workers to choose one work place and developed early plans to deal with staffing shortages
- Full and consistent access to PPE at 8 of the 9 homes, with the outlier only showing a few missteps
- Workers reported being well informed of updates at 5 of the 9 homes
- All 9 homes provided at least partial disclosure to the Union, with 6 of the 9 providing full copies of IPAC, Pandemic and COVID-19 policies, procedures and guidelines.
- 7 of 9 homes introduced COVID-19 related benefits for workers
- 4 of the 9 homes are not for profit, remaining 5 are municipal

SEIU Raises Concerns

- Early efforts in March 2020 calling on Ont. Gov't to embrace precautionary principle regarding PPE when releasing its Directives; Calling for clear direction regarding rules and procedures.
- Includes joint letters issued with other Unions, calls with Min. Elliot, CMOH Williams and Min. Fullerton
- Key Themes:
 - Evidence was unclear whether COVID-19 spread by airborne
 - Precautionary Principle must be applied
 - Clear instruction on PPE necessary – Must include N95 masks in light of possibility of airborne transmission

Lack of PPE Left Workers Exposed



Letters to LTC Homes

- **March 16, 2020** – SEIU sends form letter to all SEIU LTC Homes. Letter requests disclosure of anti-pandemic measures and looks to build a partnership with LTC Homes to combat the virus.
- **March 25, 2020** – Letter from legal counsel to all LTC Homes indicating reports of deficiencies in PPE provision and worker protection.
- **April 4, 2020** – Robert Bass responds on behalf of the Central LTC Homes. Refuses to co-operate and accuses SEIU of misconduct.
- **April 8, 2020** – Legal counsel responds reiterating persistent non-compliance in a number of homes and requesting further action.

Government Directives

- CMOH issued 5 directives over course of the pandemic, with Directives #1, #3 and #5 applying to LTC.
- Directives issued later than they ought to have been
 - For example, consider Directive #3
- Wording of Directives unclear, especially with respect to PPE requirements. Problem persists to this day.
- Only “Health Care Workers” permitted to perform a “Point of Care Risk Assessment”



SEIU Steps Up Actions

SEIU responded to the third death of one of its members by taking aggressive action. On May 5, 2020, we:

- Wrote to the Provincial Government to request a Public Inquiry into conditions into Long-Term Care Homes
- Wrote to the Toronto and Peel Regional Police Departments to initiate investigations for criminal negligence regarding the deaths of Christene Mandegarian, Arlene Reid and Sharon Roberts
- Wrote to the Office of the Chief Coroner to request an Inquest



Letter to the Ministry of Labour

- On May 4, 2020, SEIU wrote to the Minister of Labour, Monte McNaughton and requested that, following the death of Arlene Reid, the Ministry must:
 - Investigate every long-term care facility where an outbreak has occurred;
 - Issue charges and orders against every employer that is not in compliance with the Occupational Health and Safety Act; and
 - Take any other actions necessary to ensure that the objectives of the Act are achieved
- Ministry of Labour fails to respond to this letter until June 10, 2020. The Minister's response is a simple form letter stressing that "The focus of the Ministry of Labour, Training and Skills Development at this time has been to ensure that information about worker safety has been made available to workplace parties." and stressing that workers should "raise their concerns with their supervisor, joint health and safety committee, or health and safety representative."



Ministry of Labour Inspections

- Following the declaration of emergency, the MOL appears to have ended all in person inspections of LTC Homes. Inspections occurred by phone – typically a conference call with JHSC.
- Decisions were issued late, or not at all
- Serious problem because access to a further appeal to the OLRB requires a decision issued by an inspector
- SEIU was required to apply to the OLRB in order to draw the attention of the Ministry of Health and Ministry of Labour to the abuses taking place.
- Notable that, in many circumstances, healthcare workers do not have the right to refuse work under the OHSA – they are expected to put their own lives on the line for others.



SEIU OLRB Applications under s.61 of the *OHSA*

10 Applications filed against some of the worst homes

- Anson Place Care Center– April 20, 2020
- Eatonville Care Center – April 20, 2020
- Altamont Care Community – April 20, 2020
- Rekai Center at Wellesley Place – April 21, 2020
- Orchard Villa – April 28, 2020
- Ina Grafton Gage Home – May 1, 2020
- Camilla Care Community – May 4, 2020
- Franklin Gardens – May 28, 2020
- Ina Grafton Gage Home – June 9, 2020
- Ina Grafton Gage Home – July 30, 2020

Remedies Sought

Remedies sought in our OLRB Applications include:

- Orders directing the Ministries of Health and Long-Term Care to place Responding Parties under their control;
- Orders directing Responding Parties to immediately provide sufficient PPE to workers;
- Orders directing Responding Parties to improve staffing;
- Orders directing Responding Parties to provide training on PPE and infection control;
- Orders requiring Responding Parties to inform the Union and its members about COVID-19 infections and deaths;
- Orders requiring social distancing

OLRB Decisions

- SEIU Applications resulted in three OLRB consent awards, each leading to in person inspections of LTC Homes.
- OLRB Decision on April 24, 2020 – Eatonville, Anson Place and Altamont
- OLRB Decision on May 6, 2020 – Downview Long-Term Care Centre, Camilla Care Community, Orchard Villa Care Community, Ina Grafton Gage Home, Rekai Centres – Wellesley Central Place and Sherbourne Place, Isabel and Arthur Meighen Manor and Marochel Manor
- OLRB Decision on June 24, 2020 – Ina Grafton Gage Home



Management Orders

- By mid-April 2020, it was clear that some homes were unable to respond to the crisis. SEIU began advocating for these homes to be placed under control of the Ministry of Long-Term Care.
- Section 156 of the *Long-term Care Homes Act* gives the MOLTC the authority to order licensees to appoint new managers acceptable to the Ministry.
- First requested that MOLTC issue orders in respect of Anson Place and Eatonville on April 17, 2020
- Request for order included in OLRB applications

Management Orders (con't)

- Provincial government and MOLTC highly resistant to idea of issuing management order – Objected to suggestion in each OLRB response
- May 12, 2020 – Emergency order passed to permit MOLTC to appoint temporary managers for LTC homes.
- May 25, 2020 – MOLTC issues management orders against River Glen Haven Nursing Home and Downsview Long Term Care.
- First instance of MOLTC issuing a management order occurs almost a month after SEIU first called on MOLTC to do so and almost two weeks after MOLTC was expressly granted the power to do so.

Management Orders (con't)

Home	Date order first requested	Date order granted	Days between order requested and order issued
Downsview	May 14, 2020	May 25, 2020	11 days
Eatonville	April 17, 2020	May 27, 2020	40 days
Altamont	April 20, 2020	May 27, 2020	37 days
Camilla Care	May 5, 2020	May 27, 2020	22 days
Hawthorne Place	April 18, 2020	May 27, 2020	39 days
Orchard Villa	April 24, 2020	May 27, 2020	33 days
Woodbridge Vista	May 31, 2020	June 4, 2020	4 days

Management Orders (con't)

Home	Period from Order Requested to Order Granted	Reporting Period	Number of New Cases during Reporting Period	Deaths during Reporting Period
Altamont	April 20 – May 27 (37 days)	April 23 – June 8 (46 days)	N/A	21
Camilla Care	May 5 – May 27 (22 days)	May 5 – May 29 (24 days)	+42	48
Downsview	May 14 – May 25 (11 days)	May 14 – May 24 (10 days)	+133	15
Eatonville	April 17 – May 27 (40 days)	April 20 – May 7 (17 days)	+101	4
Hawthorne Place	April 18 – May 27 (39 days)	April 20 – May 5 (15 days)	+116	20
Orchard Villa	April 24 – May 27 (33 days)	April 22 – May 7 (15 days)	+97	33
Woodbridge Vista	May 31 – June 4 (4 days)	May 29 – June 5 (10 days)	+39	11
Average	27 days	19.6 days	+65	25
Total			+519	201



Accountability for Decision-Makers

- For-profit operators have 17% fewer staff than other facilities, they pay less than other employers, they had almost 3-times the death rate as municipal homes, and they prioritized dividends over staff in the middle of a pandemic

Ongoing Efforts

- On September 29, 2020, a further letter from SEIU's counsel was sent to all LTC Homes requesting various disclosures regarding preparation for a second wave.
- Some LTC Homes (Yee Hong) have provided detailed disclosure of second wave efforts
- Others – Chartwell, Sienna and Sunrise – have provided the same responses that they did in the first wave.
- SEIU continues to monitor the situation in the homes it represents and will take any steps necessary to keep its members safe during a second wave.



Next Steps for Commission

- **JUSTICE:** Families and staff deserve answers about a system that took their loved ones.
- **ACCOUNTABILITY:** Recommendations can be ignored, accountability that comes from transparency cannot.
- **PROTECT VULNERABLE VOICES:** Commission must ensure a process that allows workers an opportunity to be heard without threat of retaliation or job loss.
- **USE ALL TOOLS:** Commission must utilize all tools to subpoena documents and compel testimony to uncover financial documents from operators and emails and documents from politicians.