



September 23, 2025

Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford,

The Canadian Union of Public Employees is the largest union in Ontario, with over 280,000 members. With over 75,000 health care members in Ontario, we are also the largest health care union in the province. The Ontario Council of Hospital Unions is the bargaining agent for 45,000 CUPE hospital workers in the province. CUPE represents approximately 30,000 Personal Support Workers (PSWs) employed by long-term care homes (LTC), retirement homes, home and community care organizations, and hospitals in Ontario. Personal support work is the largest single category of work carried out by health care workers in Ontario.

We write to express our deep disappointment in the way your government has chosen to regulate personal support workers in Ontario. Unique among regulated professions, this group of workers, who are largely women and many of whom are racialized, are now subject to arbitrary powers from the new regulatory agency; lack any representation on its board or committees; have no influence over fees set by the agency; and are denied some fundamental legal rights, including the right to appeal. We believe that this regulatory scheme is sexist and racist.

We urge you most strongly to scrap HSCPOA and to provide PSWs with a regulatory scheme with all the rights and involvement of other self-regulating professions. If you are unwilling to do that, we request most strongly that you, at the very least, implement changes to the Regulations as set out below.

OCHU/CUPE previously made submissions regarding the *Health and Supportive Care Providers Oversight Authority Act, 2021* (“HSCPOA”) in a 2021 Submission to the Standing Committee on Social Policy and in 2024 in response to the request for comments on the Proposal to Inform the Regulations of the *Act*. We have written to the Minister on this subject, without response. Earlier this year, we also corresponded with Ms. Kathy Wilkie, CEO of HSCPOA (the “Authority”), who has directed us to contact the government of Ontario as the entity responsible for addressing our concerns.

We are writing yet again to reiterate our key concerns with the Regulations that, despite our previous submissions, remain unresolved. This legislation impacts the livelihood of our PSW members, and we hope that your government will act on these concerns.

### **Due process**

In our previous submissions, we made recommendations to address our concerns about due process. The Regulations do not address these concerns and the following issues remain outstanding and are of serious concern.

1. O. Reg. 212/24 *Discipline and Appeals* specifically excludes registrants and former registrants from being members of the Discipline and Appeals Committees. The exclusion of PSWs from these committees is egregious and is not in line with the standards for other regulated professions.

There is also nothing in regulations regarding an alternative process to identify and address circumstances where a registrant may be incapacitated. This lack of representation results in the PSW community being treated as second-class citizens of Ontario, without the same procedural fairness rights guaranteed to other health care professions. The Authority claims that this lack of representation can be cured by reliance on expert witnesses similar to the court system – we disagree. While the Authority may have the resources to hire expert witnesses for the prosecution, individual PSWs who make minimum wage do not have the ability to hire experts to defend themselves. To assert that the Authority will address the lack of the PSW perspective in the discipline of PSWs by relying on “experts” is devoid of any reality. We ask that the regulation be amended to include representation of PSWs on these committees.

2. O. Reg. 212/24 *Discipline and Appeals* includes some provisions regarding the processes these committees will follow that mirror the *Health Professions Procedural Code*. However, there are still gaps in terms of due process. Notably, there is no explicit provision providing a right to a written decision with detailed reasons. Further, while there are references to representation and cross-examination, there are no provisions that explicitly provide a right to these crucial elements required for procedural fairness. While the Authority has indicated that it believes written reasons are required, it is our view that the Regulations should be crystal clear and mirror the *Health Professions Procedural Code*. We ask that the regulation be so amended.

3. O. Reg. 217/24 *Registration* sets out the procedure for a Registration Review under s. 28(6) of the *Act*. However, there is nothing suggesting that the review by the Health Professions Appeal and Review Board (“HPARB”) is more than a written review. Ms. Wilkie has confirmed to us in her letter dated June 20, 2025 that there is no right to a full appeal and appears to take the view that our PSW members should be grateful for this lesser right rather than a more “onerous” full hearing. The CEO’s unilateral decisions about registration or complaints should be subject to a full right to appeal to the HPARB. We ask that the regulation be so amended.
4. O. Reg. 219/24 *Complaints* entrenches the draconian power of the CEO to take “interim urgent action”. These powers should be revoked. The reasoning for this is self-evident. No other profession is denied this procedural fairness. The Authority has confirmed to us that PSWs cannot appeal complaints decisions made by the CEO to HPARB, unlike professionals regulated under the RHPA. Ms. Wilkie suggests that a member could judicially review such a decision. This is not in accordance with the incomes of PSWs. The idea that an individual PSW should access procedural fairness by taking on the cost of a judicial review in the Ontario court system is completely unrealistic. We ask that this power be revoked entirely.
5. O. Reg. 212/24 *Discipline and Appeals* lacks a provision providing for a right to appeal any decision of either Committee to court. There should be a right to a full hearing before the Discipline Committee and the Appeals Committee with a right to appeal any decision of either Committee to the Divisional Court as per s. 70 of the Health Professions Procedural Code under the RHPA.

There is no justification for the government to treat PSWs any differently than the other health care professions with whom they work side-by-side. We ask that the regulation be so amended.

### **Costs**

As indicated above, it appears that the HSCPOA's position is that individual PSWs are afforded due process because they have the right as does any citizen to judicially review decisions of the Authority. The cost of a judicial review is prohibitive and as we note above, this is not a real option for a PSW due to this cost. In this regard, we request that the government institute a fund whose purpose is to provide financial aid to registrants who may need to take this type of legal action in order to maintain their livelihood as a PSW. CUPE is more than willing to meet to discuss various models which could be used to formulate a plan for a fund which PSWs could access in order to help fund the judicial reviews that they have the right to file to protect their registration status.

### **Fees**

The Regulations do not outline fee amounts for application, registration, or renewal of registration with HSCPOA. We understand from Ms. Wilkie that the Authority is currently working with the Ministry of Health to develop a fee-setting policy. We have not been consulted, and we are not aware of any PSW groups being consulted on this policy. We reiterate our concerns about the ability of PSWs to bear the cost of funding the Authority. PSWs cannot be expected to take on extra costs – as noted above they are barely making above minimum wage. We strongly recommend that the Ministry reconsider having PSWs bear the cost of funding the Authority, including the funding for Therapy and Counselling (O. Reg. 211/24).

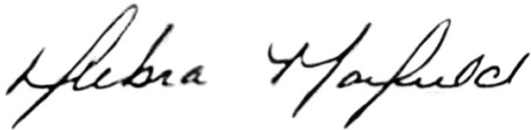
We would like to meet with you and the Minister to discuss these concerns so they can be addressed and so that personal support workers can be brought to the same standard as other regulated professions.

Thank you for your attention to this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "M. Hurley". The signature is stylized with a large, looped "H" and a trailing flourish.

Michael Hurley, President, Ontario Council of Hospital Unions-CUPE

A handwritten signature in black ink, appearing to read "Debra Maxfield". The signature is written in a cursive style with a large, looped "D" and a trailing flourish.

Debra Maxfield, Chair, Healthcare Workers Coordinating Committee, CUPE Ontario

c.c. Hon Sylvia Jones, Minister of Health; Ms. K. Wilkie, HSCPOA