



## **CUPE Recommendations on Bill 77 With Explanatory Notes**

CUPE has several recommendations that we believe will improve Bill 77 and contribute to the improvement of developmental services in Ontario. They are:

1. Add a preamble to the Bill that acknowledges the inclusion of all residents of Ontario as the foundation of a strong Ontario, including persons with a developmental disability. "Inclusion moves from being an ideal to becoming a reality when we acknowledge the entitlement of persons with a developmental disability to support services that are available consistently across the province and are based on person-centred planning."

*While a preamble is not an enforceable section of legislation, it does lay out basic principles on which the legislation is based. Inclusion should be a right of citizenship for all Ontarians. It is a principle embraced in our education system and should continue to be embraced for all residents once they become adults. This ideal is at the core of community living.*

2. Add a section to the Bill that mandates supports and services for adults with a developmental disability at a consistent level across the province.

*It is time for Ontario to make a commitment to its residents who have a developmental disability – a commitment that they are included as active members of the community. It is unacceptable to leave people languishing on waiting lists, especially when they have been receiving supports as children under the Education Act or the Child and Family Services Act. If an individual is assessed, found to be eligible and necessary supports and services identified, then those supports and services should be provided without delay.*

3. Replace proposed application centres with a requirement that community-based agencies within a geographic area develop and implement a coordinated strategy to meet the goals of the proposed legislation.

*Application centres are an added level of bureaucracy that drain resources away from agencies providing direct service. They also raise the spectre of Ontario's disastrous experience with Community Care Access Centres and competitive bidding in the home care sector. Home care costs have increased as for-profit providers have usurped non-profit community-based providers under a competitive bidding system in which agencies are forced to compete for scarce funding dollars. Less care, poorer quality care, low wages, casualization of the workforce, high rates of staff turnover, and service reductions are the hallmark of the home care system today.*

*Instead of having the province create new application centres, agencies in a geographic area should work together on coordinated strategies to meet the goals of the bill. In some areas, such as Toronto, they are already collaborating to coordinate intake, assessment and referral.*

4. Require that any new, stand-alone central intake services that agencies may agree to implement are not-for-profit and do not provide any direct service. Rather, they would accept applications and, through the relevant agency(s), help develop person-centred support plans on which funding would be based and facilitate referrals to not-for-profit service agency supports.

*It is important that support plans, re-assessment and other similar services are done by the people who are actively involved in providing support to individuals. Agencies already perform this function. If application centres continue to be part of this legislation, we want to avoid the possibility that application centres could grow into their own entities that duplicate work already done by service agencies and further fragment the system. Our preference, of course, would be the removal of new application centres from the legislation.*

5. Require development of a common assessment tool to ensure consistency across the province.

*While the details may appear in regulations under the bill, it is important that the legislation specify common practices and tools in order to ensure consistency of services and supports across the province.*

6. Require that any re-assessment be based on changes in individual need and not on lack of resources and include a definition of changes in individual need.

*The greatest problem in the development services sector today is underfunding. Continued underfunding must not be used as a rationale for reducing service or supports to any individual who has been determined to be eligible.*

7. Amend Section 40 (1) (b) to ensure no person receiving service as of the day the section comes into force will have service levels decreased as a result of a reassessment.

*The Ministry has been assuring parents that support and/or services currently provided to their children will not be reduced; however, the current wording of the bill is that they will continue "until such time as the application centre for the geographic area in which the person resides conducts a reassessment ...". This wording leaves open the possibility of service rollbacks. Persons currently receiving service need a guarantee that those services and/or supports will continue.*

8. Define the "third party" described in Section 11 (4) as a community-based, not-for-profit agency covered by accountability requirements described in the Bill in order to prevent a proliferation of private brokers.

*In the home care sector, we have seen for-profit providers usurp non-profit, community-based providers. We do not want a repeat of that experience in developmental services, especially when the bill does not hold third parties to the same accountability standards as service agencies.*

9. Delete Section 19 (3), allowing the creation of waiting lists, and amend Section 19 (4) to permit agencies to apply for additional funds to meet the needs of applicants, similar to way Children's Aid Societies are able to request additional funds in order to provide mandated services.

*No person with a developmental disability should be forced to linger on a waiting list when they have been assessed and necessary services determined. When need has been identified, an adequate level of service must be provided.*

10. Expand Parts VI (Rules Governing Service Agencies) and VII (Enforcement) of the Bill to include any third parties involved in direct funding.

*As the bill is current written, individuals, families and third-party brokers will not be subject to the same accountability measures as service agencies. The bill will require them to account for how the money is spent, but there is no accountability regarding the qualifications of workers they may hire or the quality of supports provided. The door is left open for fly-by-night operators to take advantage of individuals and families. Every person receiving support or service should be able to expect a standard of quality and control.*

11. Require that a person with a developmental disability or their representative who chooses to go beyond immediate family to provide services purchased through direct funding use the support of a community-based service agency to purchase those services in order to ensure quality compliance and safeguard the individual.

*Similar to the previous recommendation. The bill does not apply any controls on quality of supports and services provided by anyone other than service agencies.*

12. Ensure that any public monies go only to not-for-profit service providers.

*In a system that has been chronically underfunded, it is necessary that every cent possible go to providing direct service and supports and not to private profit. We are concerned that the current emphasis on direct funding will lead to a proliferation of private brokers and a repeat of the home care disaster.*

Finally, we are seeking a commitment from the ministry that there will be open, transparent and comprehensive consultation on the regulations to be developed to support this legislation.

*The legislation gives so much latitude that it is still unclear what Bill 77 really means for the way developmental services will be funded and managed. These important details should be developed with the help of people who provide front line services and supports and those who receive them.*

## **Conclusion**

CUPE's vision for a transformed and healthy developmental service sector includes a number of key elements. To reiterate, quality supports for persons with developmental disabilities can only be sustained through public, not-for-profit, mandated services via an adequately funded public sector, community agency system, where workers are compensated fairly and provided training and skills enhancement opportunities. In addition, supports must be tailored to meet the needs of individuals – that is, individualized planning, not direct funding.

Only a properly funded public system can provide redress to such inequities as long wait lists for programs and services, service cuts, limited capacity to respond to changing needs, deteriorating infrastructure, staff recruitment and retention challenges, and low and disparate wages.

The establishment of a parallel system of service duplication based on the provision of individualized funding with the assistance of independent planners and brokers will create sector instability, including labour instability as agencies attempt to restructure their workforces to accommodate the ministry's proposed transformation plan. Ontario's developmental services sector needs to be strengthened through the provision of adequate multi-year funding, not weakened by siphoning off already scarce funding and resources to an individualized funding regime of services and supports.

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