

## Legislation Update



April 2009

### **Health Insurance Act**

Section 3(4) of Regulation 552, the General Regulation under the *Health Insurance Act* has been amended effective April 1, 2009 to clarify and expand on the policy that exempts people from the 3-month waiting period for OHIP coverage if they move directly into a long-term care facility in Ontario from another province or territory where they were insured.

<b>Old Exemption</b>	<b>Amended Exemption</b>
<p><b>3 (4)</b> The three-month waiting period referred to in subsection (3) does not apply to the following persons who are residents and who apply to become insured persons:</p> <p>10. A person who,</p> <p>i. takes up residence in Ontario directly from elsewhere in Canada where the person was insured under a government health plan or a hospital insurance plan, and</p> <p>ii. upon taking up residence in Ontario, becomes a resident of an approved charitable home for the aged under the <i>Charitable Institutions Act</i>, a home under the <i>Homes for the Aged and Rest Homes Act</i> or a nursing home under the <i>Nursing Homes Act</i>.</p>	<p><b>6.1</b> If a person takes up residence in Ontario immediately after moving to Ontario from another province or territory of Canada where he or she was insured under a publicly funded health care insurance plan and is admitted to and moves into an approved charitable home for the aged under the <i>Charitable Institutions Act</i>, a home under the <i>Homes for the Aged and Rest Homes Act</i> or a nursing home under the <i>Nursing Homes Act</i>, the person,</p> <p>(a) is exempt from the waiting period under subsection 5 (2), if he or she is admitted to and moves into that home immediately upon taking up residence in Ontario; or</p> <p>(b) is exempt from completing the remainder of the waiting period, if applicable, when he or she is admitted to and moves into that home.</p>

## ***Accessibility for Ontarians with Disabilities Act, 2005***

The *Accessibility for Ontarians with Disabilities Act, 2005* became law on June 13, 2005. Under this legislation the government is developing mandatory accessibility standards that are intended to identify, remove and prevent barriers for people with disabilities in key areas of daily living. CCACs as well as other businesses and organizations that provide goods and services to people in Ontario will be required to meet accessibility standards related to customer service, transportation, information and communications, built environment and employment.

Information related to the *Accessibility for Ontarians with Disabilities Act, 2005* can be found at: <http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario>

The government has established five committees, composed of representatives from the disability and business communities, to develop proposed standards for these five topic areas. Each set of proposed standards is being made available for consultation and comments on the Ministry of Community and Social Services website. The following outlines the progress that has been made to date related to the development of the five accessibility standards:

1. Customer Services Standards – Regulation 429/07 and Regulation 429/08 came into effect on January 1, 2008. CCACs will be required to comply with these standards by January 1, 2010. Under the customer service standard regulations CCACs will be required to:
  - Establish policies, practices and procedures on providing goods or services to people with disabilities.
  - Use reasonable efforts to ensure that your policies, practices and procedures are consistent with the core principles of independence, dignity, integration and equality of opportunity.
  - Set a policy on allowing people to use their own personal assistive devices to access your goods and use your services and about any other measures your organization offers (assistive devices, services, or methods) to enable them to access your goods and use your services.
  - Communicate with a person with a disability in a manner that takes into account his or her disability.
  - Allow people with disabilities to be accompanied by their guide dog or service animal in those areas of the premises you own or operate that are open to the public, unless the animal is excluded by another law. If a service animal is excluded by law, use other measures to provide services to the person with a disability.

- Permit people with disabilities who use a support person to bring that person with them while accessing goods or services in premises open to the public or third parties.
- Provide notice when facilities or services that people with disabilities rely on to access or use your goods or services are temporarily disrupted.
- Train staff, volunteers, contractors and any other people who interact with the public or other third parties on your behalf on a number of topics as outlined in the customer service standard.
- Train staff, volunteers, contractors and any other people who are involved in developing your policies, practices and procedures on the provision of goods or services on a number of topics as outlined in the customer service standard, and
- Establish a process for people to provide feedback on how you provide goods or services to people with disabilities and how you will respond to any feedback and take action on any complaints. Make the information about your feedback process readily available to the public.

The Ministry of Community and Social Services has developed a guidebook and training materials to assist organizations to comply with the customer services regulations. They are available at:

[http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario/accesson/compliance/customer/compliance\\_tools](http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario/accesson/compliance/customer/compliance_tools)

2. Transportation Standards - The community consultation related to the transportation standards is complete and final revisions are being sent to the drafters. It is anticipated that regulations related to this standard will come into effect in 2011.
3. Information and Communications Standards - Feedback from the community consultation is currently being reviewed by the standards development committee.
4. Built Environment Standards - The Standards Development Committee has just been established.
5. Employment Accessibility Standards - On February 18, 2009, the Ontario government released the proposed Employment Accessibility Standard for a public review period. The goal of the proposed standards is to help employers create equal employment opportunities for people with disabilities. They set specific requirements for the recruitment, retention and accommodation of people with disabilities, and apply all organizations in Ontario with at least one employee. These standards are currently out

for review and comments, which must be submitted by May 22, 2009. The association is currently developing a response to the February release. This document will be reviewed with members of the Human Resources and Organization Development Committee in the coming weeks.

### ***Apology Act, 2009***

The *Apology Act, 2008* received Third Reading on March 11, 2009 and is awaiting Royal Assent. The Act is intended to improve the dispute resolution process by allowing an individual to offer an apology or expression of regret without concern about legal liability with limited exceptions. The Act provides that “an apology made by or on behalf of a person in relation to any matter does not constitute an admission of fault or liability by the person, except for the purposes of a proceeding under the *Provincial Offenses Act*”. Further an apology does not affect the insurance coverage available to any person in relation to the matter. An apology is not admissible in a civil or administrative proceeding or arbitration as evidence of liability or fault, except if the apology is made while testifying at a proceeding or arbitration.

An apology is defined as “an expression of sympathy or regret, a statement that a person is sorry or any other words or actions indicating contrition or commiseration, whether or not the words or actions admit fault or liability or imply an admission of fault or liability in connection with the matter to which the words or actions relate.”

### **New Bills:**

#### ***Bill 159 Transparency in Public Matters Act, 2009***

Bill 159 is a Private Member’s Bill that was introduced by Niagara Falls MPP Kim Craitor on March 24, 2009. If passed, the Bill will require certain “public bodies” including CCACs, hospitals, LHINs and other organizations to ensure that meetings at which “deliberation or decision making” occur are open to the public and that minutes of these meetings are made available to the public. The Bill also sets rules about the process for amending meeting agendas, provides exceptions to the requirement for public access, establishes a complaints procedure to the Information and Privacy Commissioner and gives the Commissioner authority to investigate and sanction public bodies that are determined to be non-compliant with the Act. The OACCAC will monitor the progress of this Bill through the Legislature.

***Bill 160 Caregiver and Foreign Worker Recruitment and Protection Act, 2009***

Bill 160 is a Private Member's Bill that was introduced for First Reading by Eglinton-Lawrence MPP Mike Colle on March 25, 2009. The purpose of the Bill is to regulate and licence persons who operate recruitment agencies for caregivers and foreign workers in order to protect foreign workers from illegal fees and abuse. The OACCAC will monitor the progress of this Bill through the Legislature.

If you have questions or would like additional information, please contact:

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