

**Long-Term Care COVID-19 Commission  
Frequently Asked Questions  
July 29, 2020**

**1. What is the independent Long-Term Care COVID-19 Commission?**

The independent commission, comprised of three commissioners appointed by the Minister of Long-Term Care under section 78 of the *Health Protection and Promotion Act*, is tasked with examining issues associated with the spread of COVID-19 in the province's 626 long-term care homes.

It will investigate how COVID-19 spread within long-term care homes; how residents, staff, families were impacted; and will study the adequacy of measures taken by the province and other parties to prevent, isolate and contain the spread. Above all, it will provide the government with guidance on how to better protect long-term care home residents and staff from any future outbreaks.

**2. Does this mean we'll have to wait for the conclusion of the commission for changes to be made?**

No. While the work of the commission is underway, Ontario will continue to move forward with system improvements, including implementing the recommendations of the Gillese Public Inquiry; supporting the development of new, modern long-term care beds; and acting on what we've learned about COVID-19 so far.

The commission is about the way forward. It will consider current government initiatives and reforms in the long-term care homes system and recommend any further areas that should be the subject of action by government to help prevent the future spread of disease in Ontario's long-term care homes.

**3. Who are the members the commission?**

There are three appointed commissioners:

- Associate Chief Justice Frank N. Marrocco (Chair) – Accomplished counsel and legal author, who has served the legal profession in a number of roles including leader of the Law Society, Justice Marrocco was appointed to the Superior Court of Justice in 2005.
- Angela Coke – A former senior executive with the Ontario Public Service, and recipient of the Public Sector Excellence Lifetime Achievement Award from the Canadian Public Sector Quality Association and Excellence Canada.

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- Dr. Jack Kitts – Recipient of the Order of Canada and known nationally for his focus and expertise in patient experience, performance measurement and physician engagement, Dr. Kitts recently retired after 18 years as President and CEO of The Ottawa Hospital.

The commission will be supported by a secretariat of up to 12 people, drawn primarily from within the Ontario Public Service and housed in the Ministry of the Attorney General.

#### **4. *Is the government leading this investigation?***

No. The appointed commissioners will conduct the investigation independently of the government. All ministries and agencies have been directed by the government to respect the commissioner's independence and to assist the investigation to the fullest extent.

The government has consulted with the Integrity Commissioner to ensure all necessary safeguards are in place to maintain the independence of the commission.

#### **5. *Is this public inquiry similar to the one that examined the Safety and Security of residents in LTC Homes?***

The Gillese Inquiry was formed under the *Public Inquiries Act*, while this commission is being formed under *the Health Protection and Promotion Act*. However, just like the Gillese Inquiry, this commission will also be able to summon materials, testimony, and conduct public hearings as part of the review.

#### **6. *What do I do if I want to contribute to the inquiry (give evidence, share experience, etc.)?***

This is an independent commission and the commissioners will decide what approaches and mechanisms will be used to gather public input. This could include public hearings, private meetings and written submissions.

However, the commissioners will determine the processes by which they obtain this input.

#### **7. *What should staff do if they receive a summons?***

The summons may require the person to: give evidence under oath or affirmation to the commission; or produce in evidence to the commission such documents and things as the commissioners may specify.

**8. Do people speaking to the commission have to fear repercussions at their place of employment?**

No. Subsection 33(8) of the *Public Inquiries Act* provides that no adverse employment action can be taken against employees who disclose information in good faith to the commission. It is an offence under that Act for any person to take adverse employment action against an employee in these circumstances.

**9. Will these commissioners be looking at people's personal health information? How will privacy be protected?**

The commissioners have the power to summons any person to give evidence and produce documents in accordance with section 33 of the *Public Inquiries Act, 2009*. The Ministry may also provide them with necessary information for the purposes of their investigation.

The commissioners must ensure that the final report is prepared in a form appropriate for release to the public, pursuant to the *Freedom of Information and Protection of Privacy Act*, the *Personal Health Information Protection Act, 2004* and other applicable legislation. In so far as practicable, the commissioners must work to maintain and ensure the confidentiality of personal information and personal health information.

**10. What will happen at the end of the investigation?**

Following the investigation, the commission will be expected to deliver its final report, containing its findings and recommendations, by April 30, 2021. These findings and recommendations will be released to the public as soon as practicable.

**11. How can I get a copy of the final report?**

The final report will be made publicly available on accessible platforms once the commission completes its mandate.