



**DeafBlind**  
ONTARIO SERVICES

# **Ontario Ministry of Labour:**

  

## ***Changing Workplaces Review – Special Advisor’s Interim Report***

**For more information, please contact:**

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DeafBlind Ontario Services is pleased to have the opportunity to provide feedback on the Ontario Ministry of Labour' *"Changing Workplaces Review – Special Advisor's Interim Report."* Given the changes in the current economic and labour landscapes, we support a review of the existing legislation and regulations governing the employment environment. Any changes implemented should follow a philosophy that empowers employers and employees with the tools they need for success in the future.

### **Who we are**

DeafBlind Ontario Services is a not-for-profit organization that helps adults who are deafblind increase their independence and improve their quality of life through specialized services. With residential locations and community services programs across the province, our services extend into a wide range of communities in Ontario.

### **Our Values**

Our organization supports a workplace where every team member has the opportunity to feel safe, supported and where their work is recognized as a key contribution of a team. Our core values include: respect, leadership, trust and teamwork.

### **Our approach to supporting a thriving workplace environment**

This spring, we were awarded with our second four year accreditation through FOCUS. FOCUS brings "an innovative and robust quality improvement and accreditation program that reflects current successful practices and trends in community-based human services" to the organizations they survey.

DeafBlind Ontario Services is committed to long-term sustainability and continuous growth while always striving to evolve. We are an organization committed to providing the highest level of: services; training; consistency of our service models across the province; and, promotion of a learning culture.

Earlier this year, DeafBlind Ontario Services was a recipient of the "Nonprofit Employer of Choice Award" (NEOC). The NEOC is an award that recognizes organizations whose people leadership and vision has translated into exemplary talent management practices.

As part of the process, DeafBlind Ontario Services employees were asked to complete an externally administered survey with questions from the following categories: compensation and benefits; rewards and recognition; management or employee relations; training and development; career advancement; employee engagement; environment and facilities; leadership; reputation and personal enjoyment.

Based on results from the survey, top scoring items for the organization included: promoting a positive public image; providing a safe/healthy working environment; empowering employees to feel good about the organization's products and services; empowering the employees to feel



pride in working at the organization; providing up-to-date technology for employees to do their jobs effectively; and, effectively communicating organizational goals and vision.

After carefully reviewing the “*Changing Workplaces Review – Special Advisor’s Interim Report,*” we offer the following recommendations:

#### **1. Issue 4 – Residential Care Workers**

**Recommendation:** Maintain the status quo

**Rationale:** The interim report suggests that the existing exemption for residential care workers is out dated and irrelevant. However, the majority of DeafBlind Ontario Services employees are **Intervenors** (included under this classification) and our organization relies on this exemption to provide quality residential services to individuals who are **deafblind** (*please refer to the Glossary at the end of this document*). To counter this exemption, our organization offers Intervenors greater flexibility and additional breaks.

Some individuals who are deafblind live in residential settings and rely on Intervenors to help build life skills and serve as the main conduit for their communication with the world around them. As an example, if 95% of what you learn comes from your eyes and ears, imagine what it would be like to be deafblind.

As an organization, we need to maintain consistency in service and staffing, while ensuring the integrity of a person-centred approach to planning in the daily lives of the people we serve. More importantly, we need to ensure that the communication needs of the people we serve is not disrupted and that the bonds of trust formed between the individual who is deafblind and his/her Intervenor is respected. Disrupting routines on a regular basis greatly impacts the trust and progress made with persons who are deafblind and who rely on established patterns of predictability in their routines.

Changing or breaking the flow of communication between an individual and his/her Intervenor for a scheduled break can result in a loss of communication and disorientation.

**Or**

**Recommendation:** Create a separate category for Intervenors

**Rationale:** Intervenors are specially trained professionals who serve as a communication bridge for a person who is deafblind to the outside world. The nature of an Intervenor’s work relies on their ability to not only anticipate the unique and specialized needs of the person who is deafblind, but also to empower them to make informed decisions so that they can be active participants in their own lives.



Because every person who is deafblind has a different degree of sensory loss, each person will have their own unique way of communicating. Disrupting the communication flow between a person who is deafblind and their Intervenor can be as disorientating as switching a communication system midway through a conversation, without notice and without instructions.

## 2. 5.3.2. Scheduling

**Recommendation:** Expand or amend existing reporting pay rights in ESA

Adopt option 2 (c): Increase minimum hours of reporting pay from 3 hours at minimum wage to lesser of 3 or 4 hours at regular rate or to match the length of the cancelled shift.

**Rationale:** Any significant change in schedules can negatively impact the people we serve. Extreme care needs to be taken when making changes to maintain the integrity of our person-centred approach. Alternate options should be explored to minimize disruptions and ensure continuity while respecting established bonds of trust forged between Intervenor and individuals who are deafblind.

**Recommendation:** Adopt option 4: require all employers to provide advance notice in setting and changing work schedules to make them more predictable.

**Rationale:** In 2013, we eliminated a “casual” position that allowed employees to “pick up shifts” to provide greater predictability in scheduling. Previously, this “casual” position created irregularity in employee schedules and impacted the individuals we serve by interrupting the established bonds they have with their Intervenor. In addition, we made the position permanent and increased the rate of pay for the employee within this category.

Our current practice includes a requirement for our Intervenor to submit their availability in advance. Schedules are then created based on factors that include the following considerations: the individual who is deafblind’s needs; the organization’s operational needs; and, the Intervenor’s approved availability. We implemented this change in response to employee feedback that articulated a need for more predictability in scheduling to support a better work life balance.

We believe that employers should provide employees with their schedules in advance. At DeafBlind Ontario Services, we provide Intervenor with schedules 4 weeks in advance for the upcoming 6 week period.

We recognize that last minute operational changes may impact an employee’s scheduled hours. Therefore, our policy states that if an employee’s shift has to be cancelled within 48 hours of the shift, we will pay the employee for the shift. Within our sector, changes can occur after an employee’s schedule is posted in the scheduling software. For example, a change in a person’s health may result in an additional



number of required hours. Intervenors have the option to voluntarily pick up additional shifts.

### 3. 5.3.3.2 Paid Vacation

**Recommendation:** Increase entitlement to 3 weeks after a certain period of employment.

**Rationale:** We recently implemented an additional week of vacation for a select category of employee. This change was aimed at enhancing existing employee compensation packages and serving as a measure to boost recruitment and retention efforts.

### 4. 5.3.5. - Paid Sick Days

**Recommendation:** 2(a) We provide 8 days per year of paid sick days (64 hours)

**Rationale:** We introduced this benefit to remain competitive in our sector and to support retention efforts. The nature of our work requires that employees work in close proximity of each other and the people we serve. It is important for us to send a clear message that when employees come to work sick, they place everyone's health at risk.

### 5. 5.3.8.1 – Termination

**Recommendation:** 2 Change the 8-week cap on notice of termination

**Rationale:** As a registered charity, the need to provide pay in lieu of notice creates a financial burden. In addition, providing working notice of termination could put the vulnerable population we serve at risk. In most cases, given the nature of their work, terminated employees are paid in lieu of notice. To increase the cap on the notice of termination would create a more pronounced negative impact.



## **Conclusion**

As a registered charity we continue to seek ways to recruit, retain and engage our employees, while also providing a fair compensation and recognition for employee excellence. Unfortunately, due to the contractual obligations of our funding, we can be restricted in specific areas of salary and benefits. We are additionally held accountable to legislative and regulatory guidelines (i.e. Occupational Health and Safety Act) and to the ethical boundaries associated with providing quality care for the vulnerable population we serve.

We continually seek out ways to empower our employees by implementing additional opportunities for them to: participate in ongoing professional training; participate in leadership training programs; engage at internal feedback tables on employee issues (EARS); provide internal opportunities for advancement; provide external opportunities to contribute at sector-wide stakeholder tables; contribute at health and safety committees; and, at other operational committees/task groups.

It is important for us to provide a work environment that strongly supports health and wellness and a positive work life balance for all employees. A key part of a healthy work environment is approaching our work with an attitude of continuous growth and development. We are encouraged to see the Ministry of Labour working to address critical changes for various aspects of the employment legislation and regulatory structure with input from employees, employers and stakeholders throughout Ontario and informed by the work of other jurisdictions. We look forward to seeing the final document that captures this renewed perspective in the changing labour market.

## **GLOSSARY**

### Deafblindness<sup>1</sup>

Deafblindness is a distinct disability. Deafblindness is a combined loss of hearing and vision to such an extent that neither the hearing nor vision can be used as a means of accessing information to participate and be included in the community.

Intervenor<sup>2</sup>“An intervenor...facilitates the interaction of the person who is deafblind with other people and the environment. The intervenor provides information about the environment and what is happening (using receptive language), assists the individual who is deafblind to communicate (using expressive language), provides or develops concepts where necessary, confirms actions, assists with life skills and most importantly, assists the individual to achieve as much independence as possible within their situation. The intervenor takes direction from the individual who is deafblind.”

### Intervenor Services<sup>3</sup>

Intervenor services provide the person who is deafblind with accurate information in an appropriate manner to enable them to make choices, plan future actions, communicate successfully, navigate their environment and achieve as much independence as possible. Intervenor services are responsive to the changing needs of the person who is deafblind.

### Methods of Communication<sup>4</sup>

- Adapted American Sign Language (AASL)
- American Sign Language (ASL)
- Braille
- Fingerspelling
- Gestures
- Langue des Signes Québécoise (LSQ)
- Large print notes
- Oral
- Other, as determined by the individual who is deafblind
- Print on Palm
- Signing Exact English (SEE)
- Tangible Symbols, including object cues and picture cues
- Two-hand Manual

### Total Communication Approach (TCA)<sup>5</sup>

To use as many methods of communication as needed to facilitate the exchange of information.

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<sup>1</sup>Deafblind International – Guidelines on Best Practice for Service Development for Deafblind People, page 13, <http://www.deafblindinternational.org/PDF/Guidelines%20for%20Best%20Practice%20for%20Service%20Provision%20to%20Deafblind%20People.pdf>

<sup>2</sup>MCSS (2014-2015). MCSS Policy Framework. Retrieved from <http://www.deafblindontario.com/blog/266-intervenor-services-program-policy-framework-mcss>

<sup>3</sup>MCSS

<sup>4</sup>MCSS

<sup>5</sup>Glossary of Terms, OASIS Sensory Partners, June 28, 2012