

**Public Inquiry into the
Safety and Security of
Residents in the Long-Term
Care Homes System**

The Honourable Eileen E.
Gillese Commissioner



**Commission d'enquête
publique sur la sécurité
des résidents des foyers de
soins de longue durée**

L'honorable Eileen E. Gillese
Commissaire

Commissioner's Opening Remarks

Community Meetings

October 18 and 19, 2017

Woodstock and London, Ontario

Introduction

- Good afternoon [evening]. Thank you for taking the time to come here today for this Community Meeting.
- I called these Community Meetings for four reasons.
- First, I want to acknowledge how difficult it must be for everyone in the community to deal with the knowledge that Elizabeth Wettlaufer committed these serious offences while working here, as a trusted caregiver and registered nurse. We understand that many community members have suffered as a result of those offences. The members of my Team and I are sincerely sorry for your suffering.

- Second, I believe it is important that the members of the communities in which these offences took place know something about the people who are doing the work of the Inquiry. To that end, in a moment, I will briefly introduce the members of the Inquiry Team and tell you something about my own background.
- Third, public inquiries are not common and how they operate is not always well understood. So, after introducing the Inquiry Team, I will talk briefly about public inquiries in general and then explain the goals of this Inquiry and how we intend to achieve those goals.
- Fourth and very importantly, my Team and I are here today to hear from you. I will keep my remarks brief so that there is time for you to ask any questions that you might have and to discuss the impact these offences may have had on you. We also hope you will offer suggestions as to matters that the Inquiry should consider. We welcome your thoughts, comments and suggestions.
- As Will has already mentioned, after hearing from you, we will take questions from the media.

An Introduction to the Inquiry Team

- I'd like to begin by telling you a little bit about my background. I am currently a judge on the Ontario Court of Appeal, which is Ontario's highest court. I have served on the Court of Appeal for over 15 years. I have taken a 2-year leave of absence from the Court in order to devote my full time efforts to this Inquiry.

- My husband Rob and I moved to London, Ontario in July 1983 from Alberta. Our four children were born and raised in London where I was a Professor and later Dean of the Faculty of Law at the University of Western Ontario. It was while I was serving as Dean that I was appointed to the Superior Court of Justice for the Southwest Ontario region. I served as a trial judge for three years. While my home base was the London courthouse, I heard cases as a trial judge for the whole of southwestern Ontario, from Woodstock to Windsor.
- I would like to now introduce the other members of the Inquiry team.
- To my left is Will McDowell. Will is the first person you heard from today and he is moderating today's meeting. Will is the Lead Commission Counsel. Will has been a lawyer in Ontario since 1988. He is currently a partner at Lenczner Slaght LLP and has many years of experience both in private practice and in government. He spent three years as the Associate Deputy Minister of Justice where he both supervised the design of several federal public inquiries, and worked to implement the recommendations made by other Commissions. He acted as Chief Commission Counsel to the Mississauga Inquiry, which delivered its report in 2011.
- Next to Will is Liz Hewitt, Senior Commission Counsel. Liz has been a lawyer in Ontario since 1990. She lives in London, Ontario. Liz has many years of experience in employment law but, for the past 15 years, Liz has focused her legal practice on workplace investigations, including in the healthcare sector. As an independent, external investigator, Liz investigates claims of workplace abuse, harassment, and violence. She also provides training for organizations on how to

conduct fair internal investigations and ensure compliance with applicable legislation.

- Next to Liz is Rebecca Jones, Commission Counsel. Rebecca has been a lawyer since 2003 and is a partner at Lenczner Slaght LLP, where she represents both public and private sector clients in a wide range of matters. Rebecca has extensive experience in matters relating to the regulation of healthcare professionals including nurses and doctors.
- Next to Rebecca – at the far end of the table – is Megan Stephens, Commission Counsel. Megan clerked for both the Ontario Court of Appeal and for the Chief Justice of the Supreme Court of Canada. Megan has been a lawyer since 2003, and has worked as Crown Counsel at the Crown Law Office – Criminal since 2006. She has also been involved in policy development, both at the provincial level and, before she went to law school, for the federal government.
- I would also like to introduce Andrea Barton, the Executive Director for the Inquiry. Andrea, who grew up just down the road in Paris, Ontario, has worked in various policy positions in the Ontario Public Service since 2011. She came to us from her most recent position as Policy Advisor in the Cabinet Office to the Ministries of Health and Long-Term Care and Seniors Affairs.
- Finally, I wish to introduce Peter Rehak, our Media Relations and Communications Officer. Peter is seasoned in this role, having served in that capacity on almost every Ontario Inquiry beginning with the Walkerton Inquiry in 2000.

- If you are interested, you can find out more about each member of the Inquiry team by visiting the Inquiry website.

A Brief Introduction to Public Inquiries

- Before discussing the work of this Inquiry, it is helpful to understand a little about the work of public inquiries generally.
- Governments establish public inquiries to investigate and report on matters of substantial public interest. In some cases – like this Inquiry and other public inquiries such as the Walkerton Inquiry and the Elliot Lake Inquiry – there was a specific tragic event or events that led the government to call the public inquiry.
- Every public inquiry is given a unique mandate, which is set out in its Terms of Reference. Because every public inquiry has a different mandate, the process that each follows must be tailored to meet its unique needs and often differs from the processes followed by other public inquiries.
- What is common to all public inquiries, however, is that they are independent. Public inquiries are led by a Commissioner – typically a judge or an expert in the field. While the government chooses the Commissioner, it is the Commissioner who chooses the members of the Inquiry team.
- The work of a public inquiry is conducted in offices physically separate from the government. Moreover, a public inquiry operates independently of the government. While the government is expected

to cooperate with the public inquiry – including with the inquiry’s investigations – the government does not have a say in how the inquiry’s work is done. It is the inquiry team that decides what investigations to undertake, how those investigations are conducted, and which processes the inquiry will follow to achieve its goals.

- Public inquiries are meant to help develop and strengthen public policy by gathering information, analyzing it, and providing recommendations to the government. The work of a public inquiry culminates in a report to the government which describes the events under scrutiny and makes recommendations on how to prevent such events from happening again in the future.
- Because public inquiries are independent of government, no public inquiry can force the government to implement its recommendations. It is for the government of the day to decide which recommendations made by a public inquiry will be implemented.

What is this Inquiry’s Mandate?

- The mandate of the Long-Term Care Homes Public Inquiry is set out in its Terms of Reference, issued by the Order in Council on July 26, 2017. You can see this Order in Council in full on our website – www.longtermcareinquiry.ca. As Will has indicated, there are cards on the table near the water with the Inquiry contact information.
- The Inquiry’s mandate is to inquire into:
 - a. the events which led to the offences;

- b. the circumstances and contributing factors allowing these events to occur, including the effect, if any, of relevant policies, procedures, practices, and accountability and oversight mechanisms; and
 - c. other relevant matters that the Commissioner considers necessary to avoid similar tragedies.
- This Inquiry will consist of two parts.
- The first part of the Inquiry's mandate directs me to inquire into the specific events which led to the Wettlaufer offences. It is important to recognize that the Inquiry's mandate is broadly worded and requires it to consider also the circumstances and contributing factors that allowed Ms. Wettlaufer to continue offending for almost a decade and while employed by a number of institutions. This mandate further obliges the Inquiry to inquire into the effect, if any, of government and regulatory policies, procedures and practices, and the issues of accountability and oversight.
- The second part of the Inquiry's mandate empowers me, as the Commissioner, to consider other relevant matters.
- Through both parts of the Inquiry, we will develop recommendations for the government. The recommendations will be targeted at preventing similar tragedies in the future, thereby, helping to restore public confidence in the safety and security of residents in Ontario Long-Term Care Homes.

What process will this Inquiry follow?

- This Inquiry began on August 1, 2017, some two and a half months ago. Since then, it has built a team of 7 dedicated, hard-working people, each with his or her own special strengths. It has also done all that is necessary for the Inquiry to become operational, including acquiring and outfitting office space, and designing and implementing the necessary infrastructure.
- As I have explained, the first part of this Inquiry's work is investigative in nature. We must investigate the specific events of the Wettlaufer offences and the surrounding circumstances and contributing factors that allowed those offences to be committed. As you will readily appreciate, this first part of the Inquiry's work is crucial. The investigations lay the foundation for the Inquiry's formal Public Hearings.
- What may not be readily apparent, however, is the extent of the investigations that are required to fulfill the Inquiry's mandate. The Wettlaufer offences were committed over a period of almost ten years, while she worked for a number of different employers in a number of different settings. The investigations must consider all relevant aspects of that time period and they must be conducted in a way that ensures fairness to all.
- The Inquiry Team has already issued summons (commonly known as subpoenas) to obtain documents from relevant organizations and agencies. I expect that we will have to review hundreds of thousands of documents in the course of the investigations, including documents from the criminal investigation, various long-term care home facilities and home care agencies, the Ontario College of Nurses, and the Ministry of Health and Long-Term Care. My team will also interview relevant witnesses and tour relevant facilities.

- The members of the Inquiry Team work collaboratively. However, each member of the Inquiry team has been assigned responsibility for heading up one area of investigation:
 - Will McDowell is responsible for reviewing the work done by the Crown and police in their extensive criminal investigation into the Wettlaufer offences.
 - Liz Hewitt heads up the investigation into the facilities and agencies where Ms. Wettlaufer worked and where she committed her offences.
 - Rebecca Jones is responsible for investigating the training, licensing and regulatory supervision of Ms. Wettlaufer, as a registered nurse.
 - Megan Stephens is heading up the investigation into the work of the Ministry of Health and Long-Term Care during the relevant period, including both the legislative framework and the Ministry's oversight mechanisms for long-term care homes and home care providers.
- There are three public steps in the first part of the Inquiry's work: 1. these Community meetings; 2. Participation Hearings; and 3. the formal Public Hearings.

- The first public step in part 1 of the Inquiry process, as I have said, are these Community Meetings. We have chosen to begin the public aspect of the Inquiry by these Community meetings because, in our view, it is important that the Inquiry's work be informed, from the beginning, by the views of those in the communities in which these tragedies took place.
- The second public step in the Inquiry process is the Participation Hearings – what has traditionally been called Standing Hearings. The Participation (Standing) Hearings are a necessary precursor to the Inquiry's formal Public Hearings, which is the third public step in the Inquiry process. It is largely through the Participation (Standing) Hearings that the Inquiry decides who will participate in its Public Hearings.
- As the Commissioner, it is my task to decide who can participate in the Public Hearings and to also decide what form that participation will take. A person who is granted the right to participate will generally be allowed to call witnesses to testify and to make submissions at the Public Hearing. The participants will also have certain obligations, such as the obligation to produce to the Inquiry all relevant documents.
- Those wishing to participate in the Inquiry's formal Public Hearings must submit a written application to participate and appear at the Participation (Standing) Hearings. The Participation (Standing) Hearings will be held in December 2017 at the Elgin Country Courthouse in St. Thomas.

- Please keep an eye on the Inquiry website for information about the Participation (Standing) Hearing. You do not need to have a lawyer to apply to participate.
- There may be people who wish to share information, thoughts, or recommendations with the Inquiry but do not want to formally participate in the Public Hearings. We encourage involvement of this sort through written communications to the Inquiry. Again, I would direct you to the Inquiry's website where more information about this process will be set out in the coming weeks.
- The third public component to the first part of the Inquiry's work, as I have explained, are the Inquiry's formal Public Hearings. It is likely that the Inquiry's formal Public Hearings will begin in June 2018. At this point, we anticipate that the Public Hearings will also take place at the Elgin County Courthouse in St. Thomas.
- The Public Hearings will look something like a trial - evidence will be called through witnesses and exhibits. Commission counsel will lead evidence and ask questions, but so too will some of the participants. The focus of the Public Hearings will be to finalize the Inquiry's understanding of the events that led to the Wettlaufer offences and the circumstances and contributing factors that allowed those offences to take place.
- The Public Hearings will be open to the public – everyone is welcome to attend. We will webcast the Public Hearings so that those who are not able to attend in person will still be able to follow the proceedings.

- Thus far, I have described the first part of the Inquiry process. You will recall, however, that I explained that there are two parts to the Inquiry. In the second part of the Inquiry process, we will consider other relevant matters necessary to avoid similar tragedies. It is likely that the second part of the Inquiry process will involve further research, a consideration of best practices both in Ontario and other jurisdictions, and consultations with key stakeholders and sector experts.
- The Inquiry's final report, which will draw on the work from both parts of the Inquiry, will be delivered to the provincial government on July 31, 2019, in both official languages.
- The Inquiry's report and recommendations will be made public.
- The Inquiry team takes seriously the need to conduct its work in an open, fair, transparent and public fashion. As part of meeting that obligation, we will regularly post information on the Inquiry website.

Today's Meetings

- These Community Meetings, which are taking place today and tomorrow in Woodstock and London, are not part of the Inquiry's investigative or fact finding process. The fact finding process is one that is governed by rules of procedure – and must be for reasons of fairness.
- I invite you to share with us today any considerations you feel will help me and the Inquiry team better understand the impact these events

have had on you, your loved ones and your community. This will help set the foundation for the investigative work to come. As well, we hope that you will share with us your thoughts and suggestions for the work of the Inquiry. Please also feel free to ask any questions that you might have about the Inquiry process.

- Let me end with two things.
- First, it is an honour to have been chosen to lead this public Inquiry. Each and every member of my Team and I are committed to doing everything in our power to fulfill the Inquiry's mandate. We hope that the recommendations we make will not only ensure that tragedies such as these do not occur again but also help this community to heal and to restore our collective faith and trust in the Long-Term Care Homes in this province.
- Second, I thank you for coming to this meeting today. I appreciate your engagement with the Inquiry process and hope that you will continue to work with us to help find the answers that are needed. We ask for your continued cooperation, patience, understanding and assistance throughout the Inquiry process.
- I look forward to hearing your thoughts, comments and suggestions on this matter which is so very important to us all.
- I will now turn the floor over to Will, who will moderate the discussions this afternoon [evening].

A handwritten signature in black ink, reading "Eileen E. Gillese". The signature is written in a cursive style with a large, prominent initial "E".

Commissioner Eileen E. Gillese

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