

**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 Closing Remarks at the Public Hearings

Today marks the end of the Inquiry's Public Hearings. I cannot let it pass without recognizing and thanking the people who have enabled the Public Hearings to fulfill their important role in the Inquiry process.

After that, I will briefly explain what the Inquiry will do between now and the summer of 2019 when I will deliver my Report to the government of Ontario.

MY THANKS TO:

1. The victim and groups of victims' loved ones

Earlier this week I thanked the victim, and victims' family members and loved ones, for their continuing support and assistance with the Inquiry. I will not repeat myself except to say this: your loss and grief is not in vain. I am confident that it will serve as the catalyst for real and lasting improvements in the care and safety of all those in long-term care homes or who receive publicly funded healthcare in their homes.

2. The St. Thomas court staff

Next, I want to thank the wonderful people who work here in the St. Thomas courthouse.

When this Inquiry was called in August of 2017, I knew it was important that the Public Hearings take place in southwestern Ontario, close to the communities where these devastating offences were committed. I wanted to be sure that those most closely affected by the offences could attend the Hearings if they wished.

This beautiful St. Thomas courthouse immediately came to mind. Its facilities are second to none in the province for running a proceeding like the Public Hearings.

We all know that the people who work in a building are as important as the facility itself – and, indeed, often more so. The people in the St. Thomas courthouse are also second to none in the province.

When the Inquiry asked the Regional Senior Justice for southwestern Ontario for permission to use the St. Thomas courthouse, he was immediately supportive and paved the way for the Public Hearings to be held here. There have been two Local Administrative Justices at the St. Thomas courthouse in the time that the Inquiry has been using the facility – both have gone out of their way to make sure that we had all the help we needed. Thank you both.

And the staff in the courthouse have been nothing short of wonderful. They have worked long days and evenings, without complaint, to keep the Hearings running smoothly – all in addition to their other regular duties.

Thank you all for your kindness, your professionalism, and your commitment to the work of the Inquiry.

3. The Witnesses

I echo Mr. Zigler's thanks to the witnesses who testified in the Public Hearings. It took enormous courage to come into this courtroom and give your testimony – to face not only those in the room but also all those who were watching the webcast.

Please know that your testimony was a very important part of the Public Hearings process. I applaud your courage and again thank you for your assistance with the work of the Inquiry.

4. The Participants and their Counsel

You, the Participants and their counsel, played a vital part in ensuring that the Public Hearings fulfilled its role. Thank you.

Your contribution to the work of the Inquiry started months before the Public Hearings. We asked you for documents - you produced tens of thousands of them for Commission Counsel's review. You helped Commission counsel so that they could interview scores of witnesses. And, since June 5th when these Public Hearings began, you have worked day and night to meet the deadlines I imposed. That sounds like an exaggeration – it is not.

Many of you were here throughout the daily Hearings, listening closely to all of the testimony. Then, through cross-examination, you challenged and tested the results of the Inquiry's investigations, with the result that all of us

and the public at large have an improved understanding of the long-term care homes system and what happened in respect of the Offences.

What many people may not know is that after sitting all day in the Hearings, your work continued through the evenings and, often, deep into the night and on the weekends. You had to review witness affidavits and prepare to cross-examine those witnesses. You also had to determine what documents you would put to the witnesses and see that those documents got to all the right people – in accordance with strict deadlines.

Apart from the long hours that you worked, I know the work itself has not been easy. The subject matter of the Inquiry has been difficult and emotional. The guilt and pain of many of the witnesses from whom we heard touched us all.

I also recognize that you had to work to deadlines that must have seemed at times to be unattainable. I take full responsibility for that – mea culpa. But you have all risen to that challenge and this Inquiry completed its Public Hearings on schedule. I am told that is something of a rare phenomenon in Canada and you receive much of the credit for that achievement.

Back in December at the Participation Hearings, I expressed the hope and expectation that all of those given the opportunity to participate would cooperate with one another and with Commission Counsel. You have done that in spades.

I thank you for all of these things. I end my thanks to you where I began: you played a vital part in ensuring that the Public Hearings fulfilled its role. You should be justifiably proud of your contribution. I am.

I must also extend my thanks to your families because I know your work for the Inquiry meant that you were not home for much of the last 6 months.

5. Those Behind the Scenes

If a Public Hearing is to fulfill its important role in the Inquiry process, all of the people of Ontario must be able to follow it. To that end, the Commission: ensured that there was sufficient space for the public to attend the Public Hearings in person; had a live webcast of the Hearings available through the Inquiry website; posted transcripts of each day's Hearings on the Inquiry website by 9:00 a.m. the following day; and posted all documents admitted into evidence at the Public Hearings, as exhibits, on the website by the morning following their admission.

It took three groups of dedicated and capable people to make those things happen. And they did. Every single day of the Public Hearings, over the course of 4 months without fail, for both the Public Hearings conducted here in St. Thomas and for the Public Hearings devoted to expert and technical evidence conducted in Toronto.

I thank you all for your hard work which has allowed the public to follow the Hearings or catch up afterwards.

Sight and Sound Design made the webcast happen, each and every day of the Public Hearings. Thank you, Sight and Sound Design.

Neesons Reporting Inc. made the transcripts happen. The Neesons transcriptionists produced a transcript of every word of every day of the

Public Hearings – and had the transcript up on our website by the following day. Thank you, diligent reporters from Neesons Reporting Inc.

Commonwealth Legal and Christina Shiels-Singh made the data management happen. Commonwealth Legal was on the scene daily at the Public Hearings to manage the tens of thousands of documents in the database that they created for the Inquiry. Christina Shiels-Singh oversaw and co-ordinated the data management work to ensure that all data and evidence was properly stored, shared, and made available electronically.

Thank you, Christina and Commonwealth Legal.

6. The Commission Team

Next, I must thank the Commission counsel who were tasked with investigating one or more areas within the LTCH system, creation of the related Overview Report, and presentation of the evidence (the results of their investigations) at the Public Hearings. I won't repeat the magnitude of that task except to note that those investigations led to the creation of a document database of tens of thousands of documents – some 400,000 pages of documents - and included interviews with hundreds of people.

We are all indebted to Commission counsel for the excellence with which they performed those tasks. We are all indebted to them for “shining a light” on the many facets of the LTCH system and the provision of in home publicly funded health care.

But I must tell you that the Commission Team is truly a Team. As you can well imagine, doing all the work necessary to complete the Public Hearings

within tight time deadlines, required more than the lead investigators. So I thank the less visible members of the Inquiry Team who helped our lead investigators make the Public Hearings happen. I know how hard you have worked – thank you.

I also want to thank the members of the Commission Team working on part 2 of the Inquiry's work. We often had to call on you to help those of us immersed in the Public Hearings. Moreover, you played an invaluable role in bringing to fruition the Expert and Technical evidence phase of the Public Hearings. Thank you.

7. The Public

Finally, I want to thank the many members of the public who have been following the work of the Inquiry. Members of my staff have reached out to various people with experience and expertise who are not one of the Participants. To a person, each has responded, offering the benefit of their expertise and experience.

As well, many members of the public have heeded my repeated calls to provide the Inquiry with their input. Over the course of the past year, we have heard from members of the public who shared their experiences about working in the LTCH system. Others have written to share with us stories involving their loved ones and their experiences with not only LTC homes in Ontario but also related types of facilities. Yet others offered their views on how the LTC sector could be improved to avoid tragedies like the one that brought us here – but also to more generally restore dignity to our aging Ontarians.

You, the public, have given the Inquiry team an important contextual backdrop that will inform our work, particularly as we move forward in part 2 of the Inquiry. Thank you all for taking the time to provide us with your stories and suggestions.

NEXT STEPS

I will now briefly discuss the next steps in the Inquiry process. I will begin with a brief explanation for the public. I will then address some remarks to the Participants, each of whom is participating in part 2 of the Inquiry's work.

To the public, you may be asking yourself this question: now that the Public Hearings are over and it is the end of September, why on earth is the Report not going to be delivered until the end of July 2019? Certainly that question has been posed to me more than once in the last few days!

Part 1 of the Inquiry culminated in the Public Hearings. Part 2 of the Inquiry will culminate in the presentation of my Report, in both official languages, to the government of Ontario. The Report must include the results of the Inquiry investigations and workable recommendations on what can be done to prevent tragedies similar to those perpetrated by Elizabeth Wettlaufer from ever being repeated.

How will the Report get written?

First, there is the daunting task of sorting out how to render in writing the massive amount of information discovered through part 1.

Second, there is research. What can we learn from other parts of Canada and the world in respect of long-term care and the possibility of healthcare workers intentionally harming that vulnerable population?

Third, and very importantly, the Inquiry must follow a process by which it develops and tests possible recommendations. That is the consultation process which begins next week. Over the course of October and early November, I and other members of the Inquiry team will meet to hear from individual stakeholders, and others in the LTCH system and the provision of publicly funded home care, to canvas areas we have identified as the source of possible recommendations.

Using the information gained through the consultations, the Inquiry will prepare draft recommendations and then take those draft recommendations back for further consultation, this time with the stakeholders as a group.

And, of course, the drafting of the Report will continue throughout this process. The testing and refinement of the draft recommendations will continue with a final consultation taking place in late January. Which will, of course, require further revision to the Report to ensure that the proper foundation for the recommendations has been laid.

The Report will be finalized and then it will be translated into French. After that, it will need to be produced and printed. It is only then that a copy of the Report, in both official languages, will be presented to the government of Ontario.

So, while it may seem like there is much time between now and the presentation of the Report in the summer of 2019, trust me when I say that is not my perspective!

I promised you, the Participants, more information about the consultations. With the exception of the consultations next week, each of you will receive a consultation package at least one week in advance of our consultation with you. Those with whom I am consulting next week will receive their consultation package early in the week.

The consultation package begins by setting out a summary of the propositions on which the Inquiry is basing its recommendations. Two parts follow. The first part is the same for all consultation packages and all consultations. It briefly describes four systemic responses the Inquiry envisages with a series of propositions/questions for discussion. The second part of the consultation package is unique to the person or group with whom we are consulting. It will contain a list of areas for discussion that may lead to recommendations specific to that stakeholder.

Here is an important message about the consultations. It will be clear from the consultation package the direction in which the Inquiry is headed on any particular matter. I do not anticipate doing a lot of talking in the consultations. I want to hear from you. The Participants have experience and expertise in the LTCH system and/or the provision of publicly funded home care. I respect their experience and expertise. I also need it, if I am to craft recommendations that are workable and effective. So I will be listening far more than I will be talking in the consultations.

I know that I can count on you, the Participants, to demonstrate the same cooperative spirit you have displayed throughout Part 1. Working together is the best assurance that when the Report is delivered next July, it will

contain recommendations that will restore public trust in the LTCH sector and homecare services.

Thank you for your kind attention. Thank you for all you have done to make the Public Hearings fulfill its important role in the work of the Inquiry.

Commissioner Eileen E Gillese

September 26, 2018