

In the Matter Of:
The Long-Term Care Homes Public Inquiry

DAY 9 / VOL 9
June 18, 2018

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THE LONG-TERM CARE HOMES PUBLIC INQUIRY

PUBLIC HEARINGS

--- This is Day 9/Volume 9 of the Public Hearings in the above Inquiry proceedings taken at the Elgin County Courthouse, Court Room 201, 4 Wellington Street, St. Thomas, Ontario, on the 18th day of June, 2018, commencing at 9:30 a.m.

BEFORE: The Honourable Justice Eileen E. Gillese, Commissioner

REPORTED BY: Helen Martineau, CSR.
& Olivia Arnaud, CSR

1 A P P E A R A N C E S:
2 Elizabeth Hewitt, Esq., Commission Counsel
3 & Rebecca Jones, Esq.,
4 & Lindsay Merrifield, Esq.,
5 & Lara Kinkartz, Esq.,
6
7 Jared B. Schwartz, Esq., AdvantAge Ontario
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9 Jane Meadus, Esq., Ontario Association
10 & Suzan E. Fraser, Esq., of Residents'
11 Councils
12
13 David M. Golden, Esq., Caressant Care
14 Nursing and
15 Retirement
16 Homes
17 Limited, Caressant
18 Care - Woodstock.
19
20 Denise Cooney, Esq., College of Nurses
21 & Megan Schwartzentruber, Esq.,
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23 Paul H. Scott, Esq., Jon Matheson, Pat
24 Houde, Beverly
25 Bertram
26
27 Shaun Singh, Esq., Registered
28 Practical Nurses
29 Association
30
31
32

1 A P P E A R A N C E S (CONT'D)
2 Darrell Kloeze, Esq., Her Majesty the
3 & Alexa Mingo, Esq., Queen in Right of
4 Ontario
5
6 Alex Van Kralingen, Esq., Arpad Jr. Horvath,
7 & Katherine Chau, Esq., Laura Jackson, Don
8 Martin, Andrea
9 Silcox, Adam
10 Silcox-Vanwyk,
11 Shannon Lee
12 Emmerton, Jeffrey
13 Millard, Judy
14 Millard, Sandra Lee
15 Millard, Stanley
16 Henry Millard, Susie
17 Horvath.
18
19 Kate Hughes, Esq., Ontario Nurses
20 & Nicole Butt, Esq., Association
21
22 Lauren Binhammer, Esq., Registered Nurses'
23 Association of
24 Ontario
25
26 Lisa Corrente, Esq., Jarlette Health
27 Services, Meadow
28 Park (London) Inc.
29 o/a Meadow Park
30 London Long-Term
31 Care
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09:29:03 1 --- Upon commencing at 9:31 a.m.
09:29:03 2
09:30:56 3 THE COURT: Good morning.
09:30:58 4 MS. HEWITT: Good morning,
09:30:59 5 Commissioner. Just before we
09:31:01 6 get started a bit of an update
09:31:03 7 as to how we anticipate this
09:31:05 8 morning will go. We have a
09:31:07 9 witness, Laura Long, who is a
09:31:08 10 registered practical nurse from
09:31:10 11 Caressant Care, and then we have
09:31:13 12 a procedural motion.
09:31:15 13 But at this point in time the
09:31:17 14 parties will be seeking a break
09:31:19 15 after Laura Long's testimony
09:31:21 16 just to ensure that all parties
09:31:23 17 are ready to speak to that
09:31:28 18 procedural motion so we may
09:31:30 19 request a longer break after
09:31:31 20 Ms. Long is done.
09:31:33 21 THE COMMISSIONER: All right.
09:31:33 22 Thank you very much.
09:31:35 23 MS. HEWITT: If I could call
09:31:36 24 Ms. Long to the stand.
09:31:54 25 LAURA LYNN LONG, AFFIRMED
09:32:33 26 THE COMMISSIONER: Thank you,
09:32:33 27 just before you start, Madam
09:32:35 28 CSO, did I not have a second
09:32:37 29 pair of glasses?
09:32:55 30 MS. HEWITT: Are you okay to
09:32:56 31 proceed, Commissioner?
09:32:58 32 THE COMMISSIONER: I am.

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EXAMINATION IN CHIEF BY MS.
HEWITT:
Q. Some witnesses have been asked to be called by their first name, Ms. Long, would you prefer that?
A. Yes, Laura.
Q. Now, Laura, I understand that you were employed by Caressant Care?
A. Yes.
Q. Are you still there?
A. Yes.
Q. And what is your current position?
A. I'm RAI co-ordinator.
Q. And before being RAI co-ordinator did you have a different position at Caressant Care?
A. I was RPN on the floor and for about seven years did the -- I was the wound care champ in the building.
Q. Now, you've sworn an affidavit in this proceeding?
A. Uhm hmm.
Q. Do you have it in front of you?
A. No, I don't.
Q. If I can just turn you to the last page of your affidavit, which is just before tab A?
A. Uhm hmm.
Q. Do you see your signature on that?

09:33:51 1 A. Uhm hmm.

09:33:52 2 Q. You have to say yes or no.

09:33:54 3 A. Yes.

09:33:55 4 Q. And do have any corrections

09:33:58 5 to make at this time, Laura, to the

09:34:00 6 affidavit?

09:34:01 7 A. No.

09:34:02 8 Q. I'd like to submit that as

09:34:04 9 the next exhibit, Commissioner.

09:34:06 10 THE COMMISSIONER: Yes, thank

09:34:06 11 you. Madam Clerk, what exhibit

09:34:08 12 number is that?

09:34:10 13 THE CLERK: That's Exhibit 42,

09:34:10 14 Commissioner.

09:34:11 15 THE COMMISSIONER: Exhibit 42

09:34:12 16 then, the affidavit of Laura

09:34:13 17 Long. Thank you.

09:34:15 18 EXHIBIT NO. 42: Affidavit of

09:34:15 19 Laura Long.

09:34:17 20 BY MS. HEWITT:

09:34:17 21 Q. Now, you indicated that you

09:34:18 22 first came to Caressant Care in or about

09:34:21 23 2004 and worked as an RPN; is that correct?

09:34:24 24 A. Yes.

09:34:25 25 Q. And I believe you're the

09:34:26 26 first registered practical nurse that we've

09:34:28 27 heard from in these proceedings. So what

09:34:30 28 I'd like do for the Commissioner, and as

09:34:33 29 well as for the benefit of the public, is

09:34:35 30 just to give us an overall idea of what it

09:34:38 31 was like to be an RPN on the floor at

09:34:43 32 Caressant Care and what your regular duties

09:34:45 1 would consist of?

09:34:47 2 A. Well, honestly our duties
09:34:50 3 are really no different than the RN duties.
09:34:54 4 But, yeah, you -- it was medications,
09:34:58 5 treatments, dealing with doctors, doctors'
09:35:03 6 orders, a lot of charting, a lot of
09:35:09 7 charting. It was really -- it's you start
09:35:12 8 out your day doing meds and then you take a
09:35:15 9 break, go on to treatments, start with your
09:35:18 10 11 o'clock, 12 o'clock meds, laxatives and
09:35:21 11 then 2 o'clock meds and charting in
09:35:24 12 between. That's kind of the day -- the way
09:35:26 13 the day goes for any nurse on the floor,
09:35:29 14 unless you're the fourth nurse on section
09:35:32 15 B, meaning you're the charge nurse, and
09:35:35 16 that's all desk work, and I did that too.

09:35:39 17 Q. Did you?

09:35:40 18 A. Yes.

09:35:40 19 Q. We've heard from registered
09:35:41 20 nurses as well in the proceeding. What,
09:35:45 21 from your perspective, is the difference
09:35:46 22 from the duties that you undertake in
09:35:48 23 long-term care as an RPN and the duties
09:35:51 24 that a registered nurse would undertake or
09:35:54 25 can?

09:35:54 26 A. Honestly I can't say. There
09:35:56 27 really isn't any difference. Like, when I
09:35:58 28 got my nursing 25 years ago back then RPNs
09:36:04 29 weren't to do intramuscular needles,
09:36:09 30 catheters, traches. There were so many
09:36:11 31 things we weren't to do and then it all
09:36:13 32 integrated into the RPNs do it as well. So

09:36:16 1 then you just took courses and off you
09:36:19 2 went.

09:36:21 3 Q. And in terms of your
09:36:23 4 experience at Caressant Care since 2004,
09:36:26 5 have you noticed at all a difference in the
09:36:29 6 acuity level of the residents?

09:36:34 7 A. Well, yes. People are
09:36:36 8 living longer and they're not walking
09:36:38 9 through those doors, they're coming in
09:36:40 10 wheelchairs. It wasn't like it was years
09:36:43 11 ago, you could walk them to the dining room
09:36:45 12 and seat them. People are needing a lot of
09:36:47 13 care.

09:36:48 14 Q. And other than you're not
09:36:50 15 walking them to the dining room and they're
09:36:52 16 in wheelchairs, any other differences that
09:36:56 17 arise given their lack of mobility?

09:36:58 18 A. Uhm hmm. Well, of course
09:37:00 19 you have to watch for the skin issues,
09:37:02 20 nutrition, you have to look at the person
09:37:04 21 as a whole. Like, you know.

09:37:08 22 Q. And your affidavit indicates
09:37:09 23 that you were also the wound care and foot
09:37:11 24 care consultants. And what does that
09:37:15 25 position take care of?

09:37:17 26 A. Well, with foot care I'd cut
09:37:19 27 all the diabetics' toe nails back then, and
09:37:24 28 with wound care prevention is the key.
09:37:27 29 Prevention -- it comes right down to
09:37:31 30 prevention.

09:37:31 31 And then -- and then lots of
09:37:33 32 times when they come in they've already got

09:37:36 1 existing wounds and so then you have to --
09:37:39 2 we have to heal them up. And whether it's
09:37:41 3 with nutrition, vitamins, like, our thing
09:37:46 4 was always you look at the person as a
09:37:47 5 whole and not the hole in the person.
09:37:50 6 Because if they're not going to eat right,
09:37:52 7 if they're not going to take their
09:37:54 8 medication or vitamins you can't heal them
09:37:56 9 if they're not going to be compliant
09:37:58 10 either.

09:38:01 11 Q. And you indicated that with
09:38:02 12 wound care prevention is the key. How do
09:38:06 13 you prevent --

09:38:07 14 A. Prevention is when you speak
09:38:09 15 to families and ask them to purchase a
09:38:11 16 proper-fitting wheelchair is number one.
09:38:14 17 Proper-fitting wheelchairs is the key.

09:38:17 18 And then we have, for -- for --
09:38:22 19 because people with wounds they have --
09:38:26 20 majority of them is pressure wounds and
09:38:28 21 they're seated all the time, right? And
09:38:30 22 then of course we have our low air loss
09:38:33 23 mattresses in the beds as well.

09:38:35 24 Q. And how long did you hold
09:38:36 25 that position?

09:38:38 26 A. About seven or eight years.
09:38:39 27 I still am involved a little bit in it
09:38:44 28 from -- in the RAI co-ordinator position
09:38:46 29 too.

09:38:47 30 Q. Now you indicate in your
09:38:48 31 affidavit that you took on the position of
09:38:50 32 the RAI co-ordinator on July 25th, 2016?

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A. Yes.

Q. And we've heard a lot of the RAI/MDS issues from the nursing perspective and the charting, et cetera, but what are your duties as the RAI/MDS co-ordinator?

A. Taking all the data, all the data goes in by the PSWs and the nurses. We take it -- I always say we go over it with a fine tooth comb of everything about each resident. I find actually in that office I know more about residents, all the residents, than I did when I was on the floor, believe it or not. And then we shoot it off to CIHI and then that's how we get our funding

Q. So for the benefit of the Commissioner what does CIHI stand for?

A. Right there, Canadian Institute for Health of Information System.

Q. Is it a computer-type analysis?

A. Yes, it's all computer.

Q. And you just said that sitting in your office you know more about these residents than the nurse on the floor?

A. Than I did when I was on the floor, that's what I'm finding. I know everything -- you know everything about everyone. Like, from their bowel routine to behaviours, every little -- the behaviours, you know. You learn a lot

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about them.

Q. But isn't it the case that the nurses and the PSWs would have access to the --

A. Definitely.

Q. So what's the difference between what you're able to do and learn about the residents and the nurses who are doing those assessments?

A. Oh boy. Because -- I don't know honestly to tell you, just that I've got it all there in front of me. And each thing that they logged on to, each PSW logged on to. Like, I -- like I don't know how else to say it.

Because honestly when I was on the floor I worked section B. So section A I only dealt with people in section A if they had wounds. So I didn't know what was going on with people in section A unless they had wounds but...

Q. And when you were on the floor how many individuals would you have taken care of in section B?

A. Oh gosh, as a nurse?

Q. Yes.

A. As a nurse or wound?

Q. Yes.

A. As a nurse, if you want to go back to when I first started there was only two nurses on the floor on day shift, and then it stepped up to three so we had

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1 around 35 per nurse.
2 Q. And in your position of
3 RAI/MDS co-ordinator is that a job with a
4 lot of interruptions, minimal
5 interruptions?
6 A. My job now?
7 Q. Yes.
8 A. No, minimal interruptions.
9 Q. And how does that compare to
10 when you were an RPN nurse?
11 A. Oh, I'll be honest,
12 significantly more relaxed that's for sure.
13 As a nurse on the floor no, you were -- it
14 was busy. And I used to tell the PSWs,
15 I'm listening. I write it down quick what
16 they're saying and then I get back to them
17 for the full details so I can do all the
18 charting and do what I have to do, because
19 it's busy. And when you're doing your meds
20 or, you know, you have to delegate what's
21 more important first, you know?
22 Q. And while you're on the
23 floor how much time, approximately, or can
24 you calculate, that you would actually
25 spend with any resident any given day?
26 A. I guess it just depends on
27 -- it seems to be more with the ones that
28 need you honestly. Like, it just depends
29 -- and it depends on them.
30 Like, for communication to talk
31 with and that there's a few you can spend
32 ten minutes with or so on the floor. But a

09:43:02 1 lot of my communication came through the
09:43:04 2 med pass. That's when I spent the most
09:43:07 3 time with all of them was in the med --
09:43:09 4 during the medication pass.

09:43:12 5 Q. Thank you. And then you
09:43:13 6 said that you would take all of the
09:43:15 7 assessments and data given to you by the
09:43:18 8 PSWs and the nurses, enter that into the
09:43:21 9 system for the Canadian -- CIHI, as you
09:43:26 10 said, Canadian Institute for Health
09:43:27 11 Information, and that data eventually
09:43:31 12 results in the funding; is that correct?

09:43:33 13 A. That's right.

09:43:33 14 Q. And is that what we've been
09:43:35 15 calling the "nursing and personal care
09:43:37 16 envelope"?

09:43:38 17 A. Yes.

09:43:38 18 Q. Okay. I know that within
09:43:47 19 your affidavit you do identify medication
09:43:49 20 management, et cetera, for the benefit of
09:43:52 21 the Commissioner, but what I really wanted
09:43:54 22 to talk to you today was about Elizabeth
09:43:55 23 Wettlaufer.

09:43:58 24 A. Uhm hmm.

09:43:58 25 Q. Do you recall her?

09:44:00 26 A. Oh, of course.

09:44:01 27 Q. And you indicate in your
09:44:02 28 affidavit that you had quite a bit of
09:44:04 29 interaction with her in the beginning when
09:44:06 30 you worked on section B?

09:44:07 31 A. Yes.

09:44:08 32 Q. And so do you know --

09:44:09 1 Elizabeth Wettlaufer would have come to
09:44:13 2 Caressant Care in 2007?

09:44:15 3 A. Uhm hmm.

09:44:16 4 Q. And do you know how long you
09:44:19 5 would have worked with her in section B?

09:44:22 6 A. Honestly don't know. It's
09:44:24 7 when she -- when she got the full-time
09:44:26 8 position in section A that's when she moved
09:44:28 9 over to the other side. And then the only
09:44:31 10 time I would have dealt with her after that
09:44:33 11 would have been with people with wounds on
09:44:35 12 level 1.

09:44:41 13 Q. So the entire time she was
09:44:42 14 on level B you would have had interactions
09:44:45 15 with her?

09:44:46 16 A. Oh, definitely yes.

09:44:48 17 Q. And then after that it would
09:44:48 18 be in your position as wound care?

09:44:50 19 A. Wound care, that's right.

09:44:51 20 Q. And that position is wound
09:44:51 21 care for the whole facility?

09:44:54 22 A. That's right.

09:44:54 23 Q. So what was your interaction
09:44:56 24 with Elizabeth Wettlaufer in terms of can
09:44:59 25 you describe what she was like as a
09:45:01 26 co-worker?

09:45:02 27 A. Well, um, she was messy in
09:45:04 28 her work I guess, didn't complete things.
09:45:07 29 I had issues with her. I want to just call
09:45:12 30 it plain laziness with stocking shelves and
09:45:16 31 doing what she was supposed to do.

09:45:20 32 She was a little quirky and

09:45:22 1 bizarre of course. You know, because --
09:45:26 2 and she would carry on about her
09:45:28 3 relationships with these women and how her
09:45:31 4 family disowned her. Her brother disowned
09:45:35 5 her I guess and then she decided to go back
09:45:37 6 with men again because then she got to see
09:45:40 7 her nephews again.

09:45:43 8 Q. So she would talk about
09:45:45 9 personal things with you?

09:45:46 10 A. Personal things like that,
09:45:48 11 yeah. It was pretty gross.

09:45:51 12 Q. You identify though in your
09:45:52 13 affidavit that she was kind to the
09:45:54 14 residents?

09:45:55 15 A. Yes, she was.

09:45:56 16 Q. And so can you explain how
09:45:59 17 she showed that kindness?

09:46:01 18 A. Yeah. Well, like, seniors
09:46:04 19 they always love to see pets, so she would
09:46:07 20 bring in her dog. She would bring in her
09:46:11 21 dog; she'd bring in food; she'd sit with
09:46:15 22 them; sit with the residents and that and
09:46:20 23 this was on her own time, on her own time.

09:46:24 24 And as far as the -- we have
09:46:28 25 staff members that have -- we have a
09:46:31 26 married couple they have nobody here in
09:46:35 27 Canada, they've got more moving in now but
09:46:37 28 she put on a whole -- they never heard tell
09:46:40 29 of a baby shower before and she did it all,
09:46:44 30 put it all on for them at her church.

09:46:47 31 Q. And who would have supplied
09:46:48 32 the food, et cetera?

09:46:49 1 A. She did.

09:46:50 2 Q. She did.

09:46:51 3 A. She did, yeah.

09:46:52 4 Q. And you talk in her
09:46:53 5 affidavit that she would actually look
09:46:55 6 after people's houses; is that correct?

09:46:57 7 A. Yup.

09:46:57 8 Q. And --

09:46:59 9 A. Apartments or whatever if
09:47:00 10 they were gone. She talked about that,
09:47:03 11 that so-and-so is going on vacation, her
09:47:05 12 neighbour's going on vacation and she would
09:47:07 13 look after their pets and that. Mostly
09:47:09 14 cats, she talked a little bit about dogs
09:47:11 15 but mostly look after their cats when they
09:47:14 16 were gone.

09:47:15 17 And families that couldn't
09:47:16 18 afford -- like, at the church she was a
09:47:19 19 Sunday school teacher at one time and she
09:47:22 20 took all the kids to Wonderland and paid
09:47:25 21 for everything because the parents couldn't
09:47:29 22 afford it.

09:47:29 23 Q. So are those the types of
09:47:30 24 things that she would tell you?

09:47:32 25 A. Yes, uhm hmm.

09:47:33 26 Q. And you talk about her
09:47:35 27 dressing up for the residents as well?

09:47:37 28 A. Yes, Halloween.

09:47:39 29 Q. And would that be a common
09:47:40 30 occurrence? Was it just once?

09:47:42 31 A. No, that was a common
09:47:43 32 occurrence but it wasn't only her, other

09:47:46 1 staff members do it too.

09:47:47 2 Q. We heard earlier that there
09:47:49 3 was a Canada Day parade or something like
09:47:53 4 that?

09:47:54 5 A. Oh yeah, yeah.

09:47:55 6 Q. Is that an annual thing now?

09:47:57 7 A. Yeah. We don't do it now.
09:47:59 8 They do something differently now but yeah
09:48:01 9 -- oh yeah, I forgot about that.

09:48:04 10 Q. Now, you indicate in your
09:48:07 11 affidavit that you didn't really have
09:48:11 12 issues with her care?

09:48:12 13 A. No.

09:48:13 14 Q. You knew that she had to be
09:48:15 15 -- she knew that she had to be very good
09:48:17 16 with these people because if she wasn't you
09:48:20 17 would write her up?

09:48:21 18 A. Definitely.

09:48:22 19 Q. Is that correct? Now, you
09:48:24 20 did provide a written communication on one
09:48:27 21 occasion with respect to Elizabeth
09:48:29 22 Wettlaufer; do you remember that?

09:48:30 23 A. Yes.

09:48:30 24 Q. So if I can turn you to tab
09:48:32 25 (A) and document 16811?

09:48:38 26 A. Uhm hmm.

09:48:42 27 Q. Now, Laura, this is the
09:48:44 28 first time that you've been with us, but
09:48:46 29 you'll notice when we get the document on
09:48:48 30 the screen we're not talking about people
09:48:50 31 with their names and we're not really
09:48:52 32 dealing with initials, we're just talking

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about the resident.

A. Yeah.

Q. And so do you recognize this document?

A. Yes.

Q. And do you remember the incident on April the 1st, 2013?

A. Yes.

Q. So tell us what happened, what you recall happened that particular day, without, as possible, using the person's name?

A. Yeah. I was working the end of east wing and I could hear her saying to -- can I say his first name?

Q. No, just say "the resident".

A. The resident. I could hear her saying to the resident this na, na, na, na, na, that type of thing, and saying, Do you need a Haldol injection? Now, I did catch that another day before and I thought, did I really hear what I thought I heard?

And then a few days later then this incident happened and it was, Do you need a Haldol injection? And was really mocking him, and mocking him and that.

And -- but to be quite honestly (sic) the woman that was upsetting the resident, like, she was -- she was annoying everybody else too because she sits at the desk early in the morning and laughs,

09:50:15 1 laughs, laughs so loudly.

09:50:17 2 So the resolution we had to that
09:50:19 3 in the end was we had to change her
09:50:21 4 medications and then she went and watched
09:50:24 5 TV in the morning. Because he would just
09:50:26 6 get tired of getting woken up every morning
09:50:30 7 with this -- with her just carrying on and
09:50:33 8 on.

09:50:34 9 So, anyways, that's when Bethe
09:50:37 10 thought -- Bethe had -- was mocking him and
09:50:42 11 that and he went straight and called his
09:50:44 12 son

09:50:46 13 Q. So as I understand it then
09:50:47 14 there was an issue between the female
09:50:50 15 resident and the male resident?

09:50:53 16 A. Yes.

09:50:53 17 Q. And the male resident was
09:50:56 18 upset at the female resident?

09:50:58 19 A. That's right.

09:50:58 20 Q. And that's when you heard
09:50:59 21 these comments by Beth?

09:51:01 22 A. That's right.

09:51:02 23 Q. And you indicated that there
09:51:02 24 was a resolution to her -- the female
09:51:05 25 resident waking up the male resident?

09:51:09 26 A. Yeah.

09:51:09 27 Q. And just explain what that
09:51:10 28 was again?

09:51:11 29 A. Because she sits at the desk
09:51:13 30 and his room was right close by. And she
09:51:16 31 sits out there just laughing and -- like,
09:51:19 32 it wasn't just him that this lady annoyed

09:51:22 1 it was everybody, including staff, because
09:51:25 2 it was hard to talk on the phone to doctors
09:51:27 3 and everything. So she needed her meds
09:51:30 4 adjusted.

09:51:32 5 And we moved her into the TV room
09:51:35 6 so she could sit in there so then at least
09:51:37 7 none of the residents' rooms that were
09:51:40 8 close by to this area would be getting woke
09:51:42 9 up at 5:30, 6:00 in the morning.

09:51:45 10 Q. And you actually wrote that
09:51:47 11 up in this letter. Who did you give this
09:51:50 12 to, if anybody?

09:51:51 13 A. Helen Crombez.

09:51:53 14 Q. And why did you write this
09:51:55 15 particular incident up?

09:51:57 16 A. Because I had wrote up -- I
09:52:00 17 had wrote up some of what it was, like, in
09:52:04 18 that -- because -- some of what it was but
09:52:08 19 Helen had asked me to give more detail to
09:52:10 20 it.

09:52:11 21 Q. So you gave her something
09:52:13 22 initially and then she wanted more details;
09:52:15 23 is that what you're saying?

09:52:17 24 A. Yeah, yeah. I talked to her
09:52:18 25 a little bit and then, yeah, I gave her
09:52:20 26 more detail.

09:52:21 27 Q. And what type of training,
09:52:24 28 if any, do you get on when you have to
09:52:28 29 report issues to management and when you
09:52:32 30 don't? Do you get any training on that?

09:52:35 31 A. No.

09:52:35 32 Q. Do you get any mandatory

09:52:38 1 training on abuse and neglect?

09:52:40 2 A. Yes, yes.

09:52:44 3 Q. And how often would you get
09:52:46 4 training on abuse and neglect?

09:52:47 5 A. Once a year.

09:52:48 6 Q. And do you recall whether or
09:52:49 7 not that training included any reference to
09:52:54 8 circumstances under which an employee needs
09:52:57 9 to report issues to the Ministry?

09:53:11 10 A. I've always took it that we
09:53:13 11 report to management. And then I know some
09:53:14 12 staff if they feel like management's not
09:53:16 13 listening then they go to -- they send it
09:53:17 14 to head office. I've never done that.

09:53:20 15 Q. Did you view the situation
09:53:21 16 with Bethe and -- with the male resident
09:53:24 17 and the female resident did you view that
09:53:26 18 as abuse?

09:53:29 19 A. Yes. I want to -- yes, just
09:53:31 20 the verbal, verbal abuse, yes.

09:53:43 21 Q. But it's your understanding
09:53:44 22 that for those situations you then report
09:53:45 23 that to management; is that correct?

09:53:46 24 A. Management, yes.

09:53:47 25 Q. And in particular who would
09:53:48 26 you normally report these things to?

09:53:49 27 A. Back then it was Helen
09:53:51 28 Crombez.

09:53:53 29 Q. And you indicate in your
09:53:55 30 affidavit that there was no follow-up to
09:53:58 31 that with Ms. Crombez; is that correct?

09:54:00 32 A. No, I've never had

09:54:03 1 follow-up.

09:54:03 2 Q. And in -- you would have
09:54:09 3 talked to her about this issue though; is
09:54:11 4 that correct?

09:54:12 5 A. Yes, and then she just asked
09:54:14 6 me to put more details into writing.

09:54:18 7 Q. Do you know whether or not
09:54:19 8 she spoke to Bethe Wettlaufer about it?

09:54:22 9 A. No. The only way we would
09:54:26 10 ever know of a follow-up being done is if
09:54:30 11 she came to us and said, otherwise -- or if
09:54:34 12 Bethe said something otherwise we don't
09:54:36 13 know.

09:54:37 14 Q. Don't know in terms of what
09:54:38 15 they do with an employee?

09:54:39 16 A. No.

09:54:43 17 Q. What would --

09:54:46 18 A. They keep it confidential I
09:54:47 19 guess so then it doesn't get out there I
09:54:50 20 guess. I don't know.

09:54:51 21 Q. And what was Ms. Crombez
09:54:53 22 like in terms of her dealing with the
09:54:55 23 nurses and -- both the RNs and the RPNs?

09:54:58 24 A. She's always good with me.
09:55:00 25 I have -- I can't complain.

09:55:03 26 Q. And from your perspective
09:55:04 27 did she want to hear about issues like
09:55:08 28 this?

09:55:08 29 A. Yes. I would -- yes.

09:55:11 30 Q. Now, there is another issue
09:55:15 31 that was raised and it related to a
09:55:20 32 situation in which Elizabeth Wettlaufer

09:55:23 1 punctured a hematoma on a resident; do you
09:55:25 2 recall that?

09:55:26 3 A. Yes.

09:55:27 4 Q. Now, were you actually there
09:55:28 5 when she did the puncturing?

09:55:31 6 A. No.

09:55:31 7 Q. How would you have learned
09:55:33 8 about it?

09:55:34 9 A. Helen came to me and --
09:55:36 10 actually Wendy MacKnett was the one that
09:55:41 11 first told me. And then Helen came to me
09:55:43 12 and I showed her, because she was asking if
09:55:50 13 there was an infection or anything, and
09:55:52 14 absolutely not, it did heal nicely.

09:55:54 15 Q. And you talked about both
09:55:56 16 Helen and Wendy coming to you --

09:55:59 17 A. Wendy came to me first and
09:56:00 18 then Helen came to me about -- it was later
09:56:03 19 on, maybe about a week later. And it was
09:56:07 20 healing up nicely, the one on the right leg
09:56:09 21 was healing nicely, the left leg went to
09:56:12 22 stasis ulcer, which I expected.

09:56:18 23 Q. And you said that you showed
09:56:18 24 her, was that Helen Crombez?

09:56:21 25 A. Yes. Helen likes to be --
09:56:22 26 if she's got questions about a wound I'll
09:56:25 27 take her and physically show her.

09:56:27 28 Q. And you said that on the
09:56:27 29 left leg there was a stasis ulcer?

09:56:31 30 A. Yes.

09:56:31 31 Q. What is that?

09:56:32 32 A. A stasis ulcer -- what

09:56:34 1 happened was this lady she hit both of her
09:56:38 2 shins so it's just caused by trauma, a
09:56:41 3 break in the skin; but the stasis ulcer is
09:56:44 4 from lack of circulation. And, plus, she
09:56:48 5 wouldn't keep -- the other thing too is
09:56:50 6 this lady wouldn't allow dressings to stay
09:56:52 7 on her legs anyways.

09:56:55 8 And a stasis ulcer they burn,
09:56:58 9 it's kind of a burning sensation and that.
09:57:01 10 But -- you don't treat it with oral
09:57:05 11 antibiotics, you treat it with topical
09:57:06 12 antibiotics. And that's what we tried to
09:57:10 13 do but the lady wouldn't keep the dressings
09:57:13 14 on. Eventually it healed but the skin tear
09:57:17 15 on the right leg it didn't even -- it was
09:57:18 16 healed up in no time, it healed well; where
09:57:21 17 she had popped the hematoma that had healed
09:57:24 18 up well.

09:57:25 19 Q. And you indicate that from
09:57:26 20 your view as a wound care nurse that that
09:57:29 21 stasis ulcer didn't have anything to do
09:57:31 22 with Elizabeth Wettlaufer?

09:57:33 23 A. Nothing to do with
09:57:39 24 Elizabeth.

09:57:40 25 Q. Now, there's another part of
09:57:42 26 your affidavit that I wanted to ask you
09:57:43 27 about, and that is whether or not you had
09:57:45 28 any indication that Elizabeth Wettlaufer
09:57:53 29 was ever under the influence of drugs or
09:57:54 30 alcohol at work?

09:57:57 31 A. Absolutely not.

09:57:58 32 Q. And how much interaction

09:57:59 1 would you have had with her when she was on
09:58:01 2 section B?

09:58:02 3 A. I would sometimes -- I would
09:58:03 4 be working with her. Like, she would be in
09:58:05 5 her section, I'd be on my section
09:58:07 6 looking -- yeah, I'd be working with her if
09:58:08 7 it was evenings and that.

09:58:10 8 And then I would also see her
09:58:12 9 early morning because, see, when I did
09:58:14 10 wound care I would come in at 5:00 in the
09:58:17 11 morning because I had a lot of paperwork
09:58:20 12 and stuff to do before I started at 6:00
09:58:24 13 doing wound care or foot care; and then I
09:58:26 14 started my nursing job on the floor.
09:58:29 15 Because I would be there at 5:00 o'clock
09:58:31 16 every morning so I would see her off the
09:58:33 17 nightshifts as well as, you know. Just
09:58:36 18 depended on --

09:58:38 19 Q. So would you have more
09:58:39 20 interaction with her than the nurses that
09:58:41 21 would either come in after her or come in
09:58:44 22 before her?

09:58:45 23 A. I would have -- yeah, I
09:58:47 24 would think so but that's on section B.
09:58:53 25 Yeah, I would have had -- back then I would
09:58:57 26 have had a lot of interaction with her on
09:59:00 27 her -- when she was an nightshift. Because
09:59:01 28 I tried picking up days all the time. I
09:59:05 29 worked mostly day shift and would start at
09:59:07 30 5:00 and that so that would be my
09:59:10 31 interaction with her.

09:59:11 32 But when she moved on to level 1

09:59:14 1 it would have been Agatha consistent.

09:59:17 2 Q. And when you were on the
09:59:18 3 same shift with her in section B would she
09:59:20 4 be the charge nurse?

09:59:23 5 A. Yes, I guess we're all
09:59:26 6 considered charge nurses honestly. So I
09:59:27 7 guess she'd be the one to go to if you had
09:59:30 8 a situation you couldn't -- you didn't know
09:59:33 9 what to do. Because we always tried to get
09:59:35 10 the RN to do a good assessment before we
09:59:38 11 send someone to hospital if there's
09:59:40 12 something we can't -- we're not quite sure
09:59:42 13 what to do.

09:59:43 14 Q. And so when you're an RPN
09:59:47 15 and she's the RN in section B you indicated
09:59:50 16 that you would go to her if there was an
09:59:52 17 issue and you needed help. What other
09:59:54 18 interactions would you have with her
09:59:56 19 potentially during a shift?

09:59:58 20 A. That would have been about
09:59:59 21 it, other than just regular conversation
10:00:02 22 and looking after our residents.

10:00:06 23 Q. And did she ever mention
10:00:10 24 whether she was or was not on medications?

10:00:13 25 A. Yes.

10:00:14 26 Q. And what do you recall?

10:00:15 27 A. She had told me she repeats
10:00:17 28 Bible verses over and over in her head and
10:00:20 29 that she was on Seroquel.

10:00:25 30 And one time the doctor had
10:00:28 31 increased her meds and Helen -- she hadn't
10:00:30 32 showed up for work and Helen had called the

10:00:33 1 police to go check on her or something?

10:00:34 2 And they went and checked on her but she
10:00:37 3 showed up for her shift but we never
10:00:40 4 discussed any of it.

10:00:41 5 Q. And when you said that Helen
10:00:44 6 had had somebody, the police go and check
10:00:46 7 on her?

10:00:46 8 A. Yeah, somebody went and
10:00:47 9 checked on her.

10:00:48 10 Q. Do you know whether it was
10:00:49 11 the police or not?

10:00:50 12 A. The police -- I don't know,
10:00:50 13 somebody went to her apartment anyways.

10:00:53 14 Q. And did you hear that
10:00:55 15 directly from Elizabeth Wettlaufer?

10:00:57 16 A. Yes, that was from her.

10:00:58 17 Q. And was that when she showed
10:01:00 18 up that day for her shift?

10:01:01 19 A. Yes, and she did come in.

10:01:03 20 Q. And did you notice whether
10:01:04 21 there was anything different about her
10:01:08 22 demeanour?

10:01:09 23 A. I think I was going off
10:01:10 24 though. I don't think -- I never -- yeah.

10:01:13 25 Q. And is that when she
10:01:14 26 indicated that she took this Seroquel?

10:01:16 27 A. No, no, it was before that
10:01:18 28 she talked about the Bible verses and that
10:01:22 29 she has OCD.

10:01:24 30 Q. And on this particular
10:01:25 31 occasion when she was checked on and came
10:01:27 32 in did she give an explanation to you?

10:01:29 1 A. No, nothing to me, no.

10:01:30 2 Q. Okay. And then other than
10:01:33 3 that, any other issues -- any issues with
10:01:37 4 her and the care that she provided?

10:01:39 5 A. No.

10:01:39 6 Q. Did other staff come to you,
10:01:41 7 PSWs come to you?

10:01:43 8 A. The PSWs that would say
10:01:45 9 stuff like, just her quirky behaviours.
10:01:49 10 Like the stuff that would come out of her
10:01:51 11 mouth that would be so inappropriate, you
10:01:57 12 know, and hitting on the students. That's
10:02:01 13 the only -- the only type of concerns they
10:02:04 14 had about her was her personality not about
10:02:07 15 the care, her personality.

10:02:10 16 Q. And that would have been --
10:02:11 17 you would have heard that from the PSWs
10:02:14 18 when you were on section B?

10:02:15 19 A. Yeah, anywhere. Any PSWs
10:02:17 20 would say something because, like I say,
10:02:19 21 I'm there early in the morning so I catch
10:02:22 22 all the shifts.

10:02:23 23 Q. And when a PSW would
10:02:28 24 identify these comments to you or conduct
10:02:29 25 to you would you report that to management?

10:02:32 26 A. No, because they won't do
10:02:34 27 nothing about it. It's gotta come from the
10:02:36 28 PSW themselves. It's -- otherwise it's
10:02:38 29 hearsay.

10:02:39 30 Q. And --

10:02:40 31 A. So you have to tell them to
10:02:42 32 write it up, and they wouldn't write it up

10:02:44 1 half the time because they'd say, Nothing
10:02:46 2 ever gets done about it anyways.

10:02:48 3 I'm surprised you only have one
10:02:50 4 write-up that I did because -- here because
10:02:54 5 I'm sure I wrote her up more times than
10:02:57 6 this.

10:02:58 7 Q. Do you remember the other
10:02:59 8 occasions, the other incidents that you
10:03:02 9 would have wrote up?

10:03:03 10 A. Mostly -- no, I don't. I
10:03:05 11 can't say but I do know there's more.

10:03:11 12 Q. And you said they won't do
10:03:13 13 nothing about it unless it comes from the
10:03:15 14 PSW --

10:03:16 15 A. Well, ONA. They feel like
10:03:18 16 management or ONA or somebody won't do
10:03:18 17 nothing about it.

10:03:21 18 Q. I'm just going to for the
10:03:22 19 benefit of the people that are listening
10:03:24 20 and transcribing what we say, you and I
10:03:28 21 probably know -- you know the question I'm
10:03:30 22 going to ask, I may know your answer
10:03:33 23 because it's in the affidavit, but we have
10:03:35 24 to try and not interrupt each other because
10:03:36 25 they're trying to take down ever word?

10:03:41 26 A. Here I go, sorry.

10:03:43 27 Q. It's not like you're a
10:03:44 28 practiced witness, correct?

10:03:46 29 A. Uhm hmm.

10:03:47 30 Q. So you indicated that they
10:03:51 31 wanted it in writing and, I'm sorry, do you
10:03:53 32 mean that management wanted it in writing?

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A. Yes.

Q. And then you would identify to the PSWs to put it in writing?

A. Yes.

Q. And do you know if sometimes they did?

A. I honestly don't know.

Q. And -- but you would not take those issues to -- directly to management?

A. Yes, we would tell them but it wouldn't go anywhere because they'd just say, Tell the PSW to put it in writing. Everything's in writing, writing, writing. And...

Q. And did they ever identify to you why they needed it in writing?

A. So they can deal with it legally I guess.

Q. That was your understanding?

A. That's my understanding, yeah.

Q. And you indicated that you may have written up Elizabeth Wettlaufer on more than one occasion but you can't recall the others?

A. No, that's right, can't recall at all.

Q. Now, you do also identify in your affidavit that you were aware of the circumstances or the aftermath, I guess, of Mrs. Pickering's death?

10:05:05 1 A. Yes.

10:05:05 2 Q. And you talk about in
10:05:06 3 particular the reaction that Karen
10:05:08 4 Routledge had. And explain to us what,
10:05:13 5 number one, were you on shift that day?

10:05:15 6 A. I was on section B that day
10:05:17 7 and she was section A, level 1. And I
10:05:21 8 remember Karen coming over and saying what
10:05:26 9 all had happened and says, It's making no
10:05:29 10 sense. It's making no sense. I
10:05:31 11 remember -- all I remember is a look on her
10:05:32 12 face the whole day of something's -- this
10:05:35 13 isn't, you know, right. But the doctor
10:05:38 14 wouldn't -- she had asked the doctor about
10:05:41 15 an autopsy and the doctor wouldn't do it.

10:05:44 16 She had said they wouldn't do it
10:05:46 17 because no death in -- and I've been told
10:05:48 18 this myself. I personally seen a woman die
10:05:51 19 right before my eyes and I said to the
10:05:55 20 doctor, I said about it being unexpected
10:05:57 21 and he says, No death in the nursing home
10:06:01 22 is unexpected. Because that's what I want
10:06:05 23 him -- because you have to put what had
10:06:08 24 happened. And that was his specific words.

10:06:10 25 Q. Is that the doctor at
10:06:14 26 Caressant Care or is that a coroner or
10:06:17 27 someone speaking to you?

10:06:19 28 A. That was a coroner that
10:06:20 29 spoke to me.

10:06:21 30 Q. Was that a telephone
10:06:23 31 conversation?

10:06:24 32 A. No, sitting right beside me

10:06:26 1 filling out the papers but I don't remember
10:06:28 2 who he was. It was for my own personal --
10:06:30 3 and that's exactly what the doctor had told
10:06:33 4 Karen.

10:06:36 5 Q. Do you know if that was the
10:06:37 6 same coroner or not?

10:06:39 7 A. I don't think so.

10:06:40 8 Q. Okay.

10:06:41 9 A. I don't think so.

10:06:42 10 Q. And did Karen ever come back
10:06:44 11 to you and follow-up on her comments or was
10:06:47 12 that all you heard about it?

10:06:48 13 A. No, I just knew there was
10:06:50 14 something. She just didn't look right the
10:06:52 15 whole day. I just know that was -- it was
10:06:54 16 really -- yeah.

10:06:56 17 Q. And when you talk about
10:06:57 18 there being a death that's sudden and
10:06:59 19 unexpected, as an RPN would you fill out
10:07:03 20 some of the paperwork that's required on
10:07:04 21 the death of a resident?

10:07:06 22 A. Yes.

10:07:06 23 Q. And would that include the
10:07:08 24 Institutional Patient Death Record?

10:07:11 25 A. Yes. It's different now
10:07:12 26 but, yes, it's all on-line now. So, yeah,
10:07:15 27 RPNs do that.

10:07:18 28 Q. And in respect of that
10:07:20 29 particular death record, and we've seen it
10:07:24 30 before, it requires whoever is signing it
10:07:27 31 to identify whether or not death has been
10:07:30 32 sudden and unexpected; is that correct?

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A. Yes.

Q. And what training, if any, would you have had as to what circumstances are sudden and unexpected?

A. None.

Q. No training?

A. No training.

Q. Are you aware that there's a policy that talks about end of life care and --

A. Oh yes, yes.

Q. Okay. So --

A. Nothing with filling out those papers though.

Q. Okay. What, in your view, when you would have to fill out those papers, what factors would you take into account in determining whether something was sudden and unexpected?

A. Well, like I said, that one lady she was sitting there -- she had gone to the hospital; her hip had went out, they put her hip back into place; she comes back, I'm looking after her that morning, she's walking around; PSWs get her washed up and changed and I said, We better take her down in the wheelchair. She was sitting in her wheelchair and slid right out. She passed away right on the floor. So we think that she had blown a clot obviously or something, but that was -- and to me that was unexpected, sudden and

10:08:45 1 unexpected.

10:08:48 2 Q. And then you said you had
10:08:49 3 this conversation with --

10:08:50 4 A. With the doctor, whoever the
10:08:52 5 coroner who had come in.

10:08:54 6 Q. And after that conversation
10:08:55 7 -- sorry, did you fill out the
10:08:57 8 Institutional Patient Death Record on that
10:08:59 9 occasion before or after speaking to the
10:09:01 10 coroner?

10:09:02 11 A. After.

10:09:02 12 Q. And did you fill it out as
10:09:05 13 being sudden and unexpected?

10:09:06 14 A. No. No, because they fill
10:09:08 15 out that top -- that spot. They come in
10:09:11 16 and fill out that spot. Because I said,
10:09:13 17 Shouldn't it be unexpected? And he said,
10:09:15 18 No.

10:09:16 19 Q. Okay. Now, it's a tough
10:09:25 20 thing to talk about, Laura, but can you --
10:09:28 21 are you able to relay to us what the impact
10:09:30 22 has been of these offences?

10:09:37 23 A. It's been tough. It's hard
10:09:39 24 on everybody.

10:09:40 25 Q. It's hard on --

10:09:42 26 A. The staff. Staff and the
10:09:45 27 snide remarks we hear in public and when
10:09:50 28 we're out there, yeah. What do you do?

10:09:56 29 I feel like -- the families.
10:09:57 30 Like, oh my gosh the families. Like Judy
10:10:08 31 and Stan Millard, Gladys Millard's family.
10:10:12 32 They were my family. I looked after her

10:10:14 1 parents, her aunt, Gladys. Oh, like Gladys
10:10:15 2 was so much fun when -- like, they were all
10:10:18 3 -- like, I'll never -- like, they were part
10:10:20 4 of my family the Millards.

10:10:23 5 Q. And when Gladys passed away
10:10:26 6 was there any indication that there was
10:10:27 7 anything --

10:10:28 8 A. Never.

10:10:28 9 Q. -- other than a natural
10:10:29 10 death?

10:10:30 11 A. Natural death because Gladys
10:10:32 12 I'm very sure she had breast cancer and I
10:10:36 13 had all supplies all ready to go for when
10:10:38 14 the cancer when it does come out. When the
10:10:40 15 cancer comes out -- because doing wound
10:10:44 16 care I had all the supplies ready. And so
10:10:46 17 I just thought, wow, it must have hit her
10:10:48 18 lungs quicker than we thought. That's
10:10:50 19 honestly what I had thought.

10:10:52 20 Q. And any sense, you worked
10:10:53 21 with Elizabeth Wettlaufer, any sense at any
10:10:56 22 time that she was intentionally harming the
10:10:59 23 residents?

10:11:00 24 A. Absolutely not, no.

10:11:02 25 Q. Those are my questions,
10:11:03 26 Commissioner.

10:11:04 27 THE COMMISSIONER: Thank you
10:11:04 28 very much.

10:11:15 29 MS. HEWITT: Mr. Golden, for
10:11:18 30 Caressant Care.

10:11:18 31 MR. GOLDEN: Thank you.

10:11:18 32 CROSS-EXAMINATION BY MR. GOLDEN:

1 Q. Laura, tell me a bit more
2 about the education that you said was done
3 annually on issues like abuse and
4 reporting, where would that happen?

5 A. In the auditorium. And when
6 Sandra Flutter worked with us we tried to
7 make it fun and games and that. And you
8 went from post to post and you filled out
9 your -- you did your questionnaires on them
10 all. So, and it was usually around every
11 spring, every April. And that's how we did
12 it back then.

13 Q. And did you understand that
14 if individuals, staff included, had a
15 concern about neglect or abuse they could
16 call the Ministry directly?

17 A. Yes. Like, the phone
18 numbers are there. You can call. Anyone
19 can call.

20 Q. And having worked at the
21 facility for as long as you have did you
22 have a sense as to whether the director of
23 care or the administrator would take
24 concerns regarding resident care seriously?

25 A. Yes, we had zero tolerance
26 for it.

27 Q. And did they ever lead you
28 to believe that they weren't following up
29 on concerns regarding resident care?

30 A. No, no.

31 Q. And I think you mentioned to
32 Ms. Hewitt that there might have been some

10:12:43 1 other times when you put some things in
10:12:45 2 writing about Bethe Wettlaufer, would those
10:12:48 3 have been related to care or were those
10:12:50 4 some of those quirky personality things?

10:12:53 5 A. Quirky personality and
10:12:54 6 laziness, yeah.

10:12:56 7 Q. I have a question as well
10:12:57 8 about this -- I wasn't clear about the
10:12:59 9 filling out of the Institutional Death
10:13:01 10 Record and you said part of it wasn't
10:13:04 11 filled out until the doctor was there. Was
10:13:06 12 that the -- did that part include the
10:13:09 13 question about sudden unexpected death?

10:13:12 14 A. Yes. The doctor does all
10:13:14 15 that, the top part.

10:13:15 16 Q. And if you had a question,
10:13:16 17 if you were working with that form and you
10:13:18 18 had a question about it would you go to an
10:13:20 19 RN or a doctor to discuss it if you weren't
10:13:23 20 sure?

10:13:24 21 A. An RN or a doctor -- usually
10:13:27 22 the RN still goes by what the doctor says.
10:13:30 23 It's always what the doctor does.

10:13:32 24 Q. Okay. Thank you very much.

10:13:34 25 THE COMMISSIONER: Thank you,
10:13:35 26 Mr. Golden.

10:13:38 27 MS. HEWITT: Mr. Scott for the
10:13:39 28 families.

10:13:41 29 THE COMMISSIONER: Thank you.

10:13:41 30 CROSS-EXAMINATION BY MR. SCOTT:

10:13:43 31 Q. Good morning, Laura.

10:13:46 32 A. Morning.

10:13:46 1 Q. My name is Paul Scott and I
10:13:48 2 do represent one of the families. I just
10:13:51 3 have a few questions for you, mostly to
10:13:52 4 clarify a few things.

10:14:03 5 A. Uhm hmm.

10:14:03 6 Q. And I have to put my glasses
10:14:03 7 on.

10:14:03 8 A. That's okay.

10:14:03 9 Q. I can't read without them.

10:14:03 10 You said at paragraph 44 of your
10:14:05 11 affidavit that, "I would never in a million
10:14:06 12 years believe that Elizabeth Wettlaufer was
10:14:08 13 an alcoholic or into drugs."

10:14:11 14 A. No.

10:14:11 15 Q. Did she ever talk to you
10:14:13 16 about drinking?

10:14:14 17 A. Only one time she said about
10:14:15 18 her and her girlfriend having a bottle of
10:14:19 19 wine on the weekend. She wasn't working
10:14:21 20 so...

10:14:21 21 Q. And that's the only time you
10:14:23 22 ever remember?

10:14:23 23 A. That's the only time she
10:14:25 24 ever discussed it.

10:14:27 25 Q. And did you ever hear
10:14:29 26 complaints to you from other staff about
10:14:31 27 her appearing drunk or being drunk?

10:14:33 28 A. Never.

10:14:34 29 Q. Or seeming hung-over or
10:14:36 30 anything?

10:14:37 31 A. Never. And -- no and never.

10:14:39 32 Q. Okay. And you said at

1 paragraph 45 of your affidavit that,
2 "Management knew about Elizabeth Wettlaufer
3 changes in medication."

4 A. Uhm hmm.

5 Q. How do you know that
6 management knew that?

7 A. It's just that she said --
8 this is all what Liz was telling me, Bethe
9 was telling me. Elizabeth was telling me
10 that.

11 Q. That's where you know it
12 from?

13 A. That's where. She's the one
14 that just said about it.

15 Q. Okay. And then I just
16 wanted to briefly take you to the -- also
17 in that same paragraph you talk about the
18 time she didn't show up for a shift, and it
19 would have been somebody from Caressant
20 Care sent either the police or somebody
21 else to her apartment?

22 A. Yeah. She said Helen sent
23 somebody to make sure she was okay.

24 Q. Again, that's Elizabeth
25 telling you?

26 A. It's all Elizabeth, yeah.

27 Q. Did you see her that day?

28 A. I believe so and I didn't --
29 but I didn't talk to her about it or
30 anything.

31 Q. When you saw her did she
32 seem okay?

10:15:41 1 A. Yeah, yeah.

10:15:42 2 Q. And you didn't hear anything

10:15:43 3 from anybody that day that -- to the

10:15:45 4 contrary?

10:15:45 5 A. No.

10:15:49 6 Q. And you'd also told us that

10:15:51 7 she, of her own volition and using her own

10:15:54 8 money, took kids to Canada's Wonderland I

10:15:57 9 understand?

10:15:57 10 A. Uhm hmm.

10:15:58 11 Q. And did she ever show you

10:16:00 12 pictures of that day, that outing?

10:16:02 13 A. No.

10:16:03 14 Q. Were you friends with her on

10:16:04 15 Facebook or anything like that?

10:16:06 16 A. No, no.

10:16:07 17 Q. Those are my questions.

10:16:08 18 THE COMMISSIONER: Thank you.

10:16:08 19 Mr. Scott.

10:16:16 20 MS. HEWITT: The second family

10:16:17 21 group, Commissioner.

10:16:25 22 MS. CHAU: Good morning,

10:16:25 23 Commissioner.

10:16:25 24 THE COMMISSIONER: Morning.

10:16:25 25 CROSS-EXAMINATION BY MS. CHAU:

10:16:25 26 Q. Morning, Laura. My name is

10:16:25 27 Katherine Chau and I represent family and

10:16:28 28 friend of a number of Elizabeth

10:16:29 29 Wettlaufer's victims.

10:16:32 30 I understand that one of your

10:16:33 31 responsibilities as an RPN on the floor

10:16:35 32 would be performing narcotic counts?

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A. Yes.

Q. And I understand that the process was that you'd always have two people counting, the person coming off and the person coming on shift?

A. Uhm hmm.

Q. And if there was a discrepancy in the count you would report it to Helen Crombez?

A. Yes.

Q. I'm just going to hand up a document for you to review. And for the record this is Doc ID 59506, and it was entered into evidence as part of Exhibit 6.

THE COMMISSIONER: Thank you.

BY MS. CHAU:

Q. So this is a critical incident report dated --

THE COMMISSIONER: I'm sorry to interrupt, Ms. Chau, but we should have the document come up on the screen so people can follow it. Go ahead.

BY MS. CHAU:

Q. This is a Critical Incident Report dated August 28th, 2012. Laura, have you seen this document before?

A. No, but I do remember this incident though.

Q. Right. If you look down on the first page under "Description of the Incident"?

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A. Uhm hmm.

Q. It says:
"Jennifer Hague, RN, reported that she and Laura Long, RPN, had just completed a narcotic count and there was a box of five fentanyl patches and one single fentanyl patch is missing."
So you do have a recollection of this incident?

A. Yes.

Q. Do you remember what time of day this narcotic count would have occurred? I know earlier you said you tended to take day shifts.

A. I think this was -- I want to say this is a day shift one, an early morning because Jen Hague worked days too.
And I still remember calling afternoon shift later that day to say, What the heck? But they swear it was there when they counted at 11 o'clock at night. So then what happened between 11:00 p.m. and like 7:00 p.m. -- 7:00 a.m. the next morning. Yeah, I remember this one.

Q. You said "they", could you please identify who they would have been?

A. Yeah, whoever the night nurse was on. And I don't remember Vanessa but I think -- I don't remember who was working nights that night other than maybe Jackie. I know Bethe wasn't around then.

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She wasn't on then.

Q. If you look further down on page 1 it says, "Staff who were Present" there's a Vanessa Marko, RPN?

A. Yes.

Q. And Jacqueline Morris.

A. That's right.

Q. That's consistent with your recollection?

A. Yes.

Q. And how do you know that Elizabeth Wettlaufer wouldn't have been working at this time?

A. At this time? Because we were trying to -- because we were figuring out who can we call? Because who can we call to see, to follow-up? Because who's all the nurses that are on? It was nothing that we were -- I was directing it towards Bethe at all. It wasn't that at all.

It's like you try to get out there and get answers. And we do an investigation on our own like to try to get answers.

Q. Okay. So what you're saying is that you would not have called Bethe Wettlaufer because she wouldn't have been around during those shifts?

A. No.

Q. Could I ask that you turn the page 2? And at the very bottom it says "Analysis and Follow-Up" and it states as

1 follows:

2 "What immediate actions have been
3 done to prevent recurrence?

4 Nothing at this point. Under
5 investigation. Staff involved
6 interviewed by the police
7 officer, administrator and
8 director the nursing".

9 Do you have a recollection of
10 being interviewed by a police officer?

11 A. No.

12 Q. Okay. And at the very last
13 line in this paragraph it says, "Police
14 officer said he would file a report and if
15 this should happen again to look for a
16 pattern regarding staff working." To the
17 best of your recollection was there any
18 other reoccurrence of narcotics going
19 missing?

20 A. This was the worst one.

21 I do remember a card of Dilaudid
22 going missing but we have -- couldn't keep
23 track -- because of the locked box is that
24 it was -- we didn't discover it for a month
25 so where did it go in that month?

26 And since then -- well, right
27 away we got things taken care of with this
28 lock box. But that's -- those are the only
29 two hugest (sic) incidents but, yes, I
30 remember this one

31 Q. All right. I'm going to
32 move on to paragraph 45 of your affidavit.

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A. Uhm hmm.

Q. And it begins, it states, "Elizabeth Wettlaufer said she was on Seroquel which is a psychotropic drug." How did you know that Elizabeth Wettlaufer was on Seroquel?

A. She told me.

Q. And the second sentence of paragraph 45 says, "Once she said she was taking a lot of it, up to 400 mg."

A. She told me.

Q. She told you. Did you ever notice any side effect of Seroquel while Elizabeth Wettlaufer was at work?

A. This is the -- no. It sounded like she had been taking it for years so her body was adjusted to it. And you take it to help sleep so it sounded like she was adjusted to it.

Q. So I take it you didn't have any concerns whatsoever about Elizabeth Wettlaufer's performance while on the medication?

A. No.

Q. If you look a bit further down it says, "Helen Crombez was worried about her on one occasion."

A. Uhm hmm.

Q. To your knowledge what was the basis of management's concerns?

A. See, I'm only telling you what Bethe told me herself was because --

10:23:00 1 she's told me she told Helen that she
10:23:04 2 increased her Seroquel and Helen was
10:23:09 3 concerned thinking she had slept in,
10:23:11 4 because it was odd for her not to be to
10:23:12 5 work right on time. So this is just
10:23:15 6 Beth's -- what Bethe told me. Nothing to
10:23:17 7 do with Helen. Helen would have never
10:23:19 8 discussed this with us.

10:23:20 9 Q. So this incident of her
10:23:22 10 missing her shift and management sending
10:23:25 11 someone to check on her?

10:23:26 12 A. Yeah. And she didn't miss
10:23:28 13 her shift, she ended up -- she said she had
10:23:31 14 come in and there was no -- I never really
10:23:33 15 discussed it with her.

10:23:34 16 Q. And earlier you seemed a bit
10:23:36 17 uncertain as to whether it was the police
10:23:38 18 that got sent --

10:23:40 19 A. Yes.

10:23:40 20 Q. -- or someone else?

10:23:41 21 A. I don't know.

10:23:41 22 Q. And did you know whether or
10:23:43 23 not other people, other staff in the
10:23:45 24 workplace would have been aware of
10:23:47 25 management sending someone to check on
10:23:49 26 Elizabeth Wettlaufer?

10:23:52 27 A. No, I don't recall.

10:23:55 28 Q. All right. I'm going to
10:23:57 29 move on to Maureen Pickering. I understand
10:24:00 30 that Ms. Pickering suffered from dementia
10:24:02 31 and Alzheimer?

10:24:03 32 A. Uhm hmm.

10:24:04 1 Q. Is that yes?

10:24:05 2 A. Yes.

10:24:07 3 Q. But otherwise she appeared
10:24:08 4 to be physically active and was typically
10:24:11 5 walking around?

10:24:12 6 A. Yes.

10:24:14 7 Q. So we've discussed a little
10:24:16 8 bit about sudden and unexpected deaths
10:24:20 9 occurring in the nursing home.

10:24:22 10 A. Uhm hmm.

10:24:23 11 Q. In your view was
10:24:24 12 Ms. Pickering's death unexpected given that
10:24:27 13 she had been walking around the home?

10:24:30 14 A. Yes.

10:24:31 15 Q. And sudden?

10:24:33 16 A. Not sudden. I wouldn't say
10:24:35 17 sudden because she took a turn for the
10:24:38 18 worse the night before; and then they sent
10:24:40 19 her to hospital; and she come back and
10:24:42 20 then, you know, she -- yeah. I would, I
10:24:46 21 wouldn't say sudden.

10:24:47 22 Q. But unexpected?

10:24:49 23 A. Unexpected, yeah.

10:24:51 24 Q. You talked a bit earlier
10:24:53 25 about Karen Routledge?

10:24:55 26 A. Uhm hmm.

10:24:55 27 Q. Did she seem bothered by the
10:24:58 28 change in condition leading to
10:25:00 29 Ms. Pickering's death?

10:25:02 30 A. Yeah. She was boggled,
10:25:03 31 yeah.

10:25:06 32 Q. Can we please turn to

1 paragraph 55 of your affidavit? You
2 stated:

3 "Karen Routledge said she was
4 stumped. She was saying 'it
5 doesn't make sense, it doesn't
6 make sense, her blood sugar's
7 low, the doctor's saying it
8 doesn't make sense'."

9 A. That's right.

10 Q. "Karen said 'it just
11 makes no sense. She was up and
12 walking around and motoring
13 around the day before. This
14 makes no sense.'"

15 A. That's right.

16 Q. Do you remember when this
17 discussion with Karen Routledge would have
18 occurred?

19 A. The day that she passed
20 away.

21 Q. Okay. So --

22 A. This is the day that she
23 passed away.

24 Q. And would you have an
25 understanding of whether this would have
26 been after her discussion with the doctor
27 about the autopsy?

28 A. Yes.

29 Q. Okay. And would you -- do
30 you remember where you would have had this
31 discussion?

32 A. Section B at -- right at the

10:25:53 1 desk.

10:26:00 2 Q. And do you remember
10:26:01 3 Ms. Routledge saying anything about whether
10:26:03 4 or not the doctor's decision bothered her
10:26:06 5 or whether she disagreed?

10:26:09 6 A. Yes, it did bother her.

10:26:11 7 Q. And what about yourself?

10:26:12 8 A. Uhm hmm, yes. Like, if the
10:26:14 9 other doctor said this is what has to be
10:26:16 10 done and this one is saying -- we can't
10:26:20 11 tell the doctors what to do, you know? We
10:26:25 12 can suggest things like, like, for that we
10:26:29 13 can't tell doctors what to do. Like, we
10:26:32 14 have to go with what they say.

10:26:35 15 Q. Right. Those are my
10:26:38 16 question, thank you very much.

10:26:40 17 THE COMMISSIONER: Thank you,
10:26:40 18 Ms. Chau.

10:26:45 19 MS. HEWITT: Ministry?

10:26:56 20 MS. MINGO: Good morning, Madam
10:26:56 21 Commissioner.

10:26:56 22 CROSS-EXAMINATION BY MS. MINGO:

10:27:00 23 Q. Good morning, Laura. My
10:27:00 24 name's Alexa Mingo. I'm counsel for the
10:27:04 25 Province of Ontario.

10:27:06 26 I just want to ask you a few
10:27:08 27 questions about the RAI/MDS.

10:27:11 28 A. Uhm hmm.

10:27:11 29 Q. You're currently still the
10:27:12 30 RAI/MDS co-ordinator at Caressant Care?

10:27:14 31 A. Uhm hmm.

10:27:14 32 Q. RAI/MDS is a standardized

10:27:15 1 assessment tool used for all residents in
10:27:18 2 long-term care homes?

10:27:20 3 A. Yes.

10:27:20 4 Q. It's also used in other
10:27:22 5 healthcare settings?

10:27:24 6 A. Oh yes. It's used in -- not
10:27:26 7 so much in the hospitals because their
10:27:28 8 turnover is so quick. I know some -- I
10:27:33 9 travel a lot so I've talked to people in
10:27:35 10 the States and that, so they don't -- it's
10:27:38 11 mostly all long-term care. As well as over
10:27:40 12 in the Europe it's mostly all long-term --
10:27:44 13 mostly long-term care, but they do have
10:27:46 14 some similar type in hospitals.

10:27:49 15 Q. Okay. So from what you're
10:27:51 16 saying it sounds like other countries use
10:27:53 17 this as well?

10:27:54 18 A. Yes.

10:27:55 19 Q. So it's an international
10:27:56 20 standard?

10:27:56 21 A. Yes, it is. Yes.

10:27:57 22 Q. And staff in long-term care
10:27:58 23 homes use it to gather basic -- sorry,
10:27:59 24 baseline information about residents?

10:28:02 25 A. Yes.

10:28:02 26 Q. So that information would
10:28:04 27 include things like information about
10:28:06 28 residents' mood and behaviour?

10:28:08 29 A. Yes.

10:28:09 30 Q. Their vision?

10:28:09 31 A. Yes.

10:28:10 32 Q. Mobility?

10:28:11 1 A. Yes.

10:28:12 2 Q. Diagnosed diseases?

10:28:13 3 A. Yes.

10:28:15 4 Q. So then all this

10:28:16 5 information, the RAI/MDS co-ordinator

10:28:20 6 inputs that information into the system?

10:28:22 7 A. Yes.

10:28:22 8 Q. And that creates a data set

10:28:25 9 about the resident?

10:28:26 10 A. That's right.

10:28:27 11 Q. And that data helps inform

10:28:28 12 the care plan?

10:28:29 13 A. Yes.

10:28:30 14 Q. It may also trigger further

10:28:32 15 assessments that need to be done?

10:28:34 16 A. Yes.

10:28:34 17 Q. These are called "Resident

10:28:35 18 Assessment Protocols"?

10:28:36 19 A. Yes.

10:28:37 20 Q. And these are more specific?

10:28:39 21 They could be things about falls or

10:28:40 22 delirium, that kind of thing?

10:28:42 23 A. Yeah, dehydration. All of

10:28:43 24 those.

10:28:44 25 Q. And then these Resident

10:28:46 26 Assessment Protocols these become part of

10:28:49 27 the plan of care for the resident?

10:28:51 28 A. Yes.

10:28:51 29 Q. Even before RAI/MDS though

10:28:52 30 you would still do an assessment of

10:28:55 31 residents?

10:28:56 32 A. Yes.

10:28:56 1 Q. So things like cognitive
10:28:58 2 assessments?

10:28:59 3 A. Yes.

10:28:59 4 Q. The Geriatric Depression
10:29:02 5 Scale?

10:29:02 6 A. Yes.

10:29:02 7 Q. And these kind of
10:29:03 8 assessments they no longer need to be done
10:29:06 9 now?

10:29:06 10 A. No, they -- we have -- I
10:29:10 11 honestly don't know since I'm not on the
10:29:12 12 floor. They do have some new protocols for
10:29:14 13 those type of assessments before it gets to
10:29:16 14 us. So especially on new admissions the
10:29:22 15 behavioural charting.

10:29:28 16 MR. GOLDEN: Sorry, I just rise.
10:29:28 17 I'm not following how what the
10:29:29 18 current RAI situation is, how
10:29:32 19 it's connected to the
10:29:33 20 circumstances surrounding, you
10:29:35 21 know, the Wettlaufer incidents
10:29:36 22 and the context for that.
10:29:40 23 We're spending some time here
10:29:42 24 and I don't see how it's
10:29:43 25 connected. And I'm not sure
10:29:45 26 that it's an area that needs to
10:29:46 27 be explored with this witness
10:29:48 28 when there's going to be
10:29:49 29 potentially ministry witnesses
10:29:51 30 called on it.
10:29:52 31 She was called because of some
10:29:53 32 experience with Ms. Wettlaufer.

10:29:58 1 MS. MINGO: I assure my friend I
10:30:00 2 only have a few more questions.
10:30:01 3 I don't expect to be more than a
10:30:01 4 minute or two, but this was
10:30:03 5 raised in the witness'
10:30:04 6 affidavit, Madam Commissioner,
10:30:05 7 so I'd just like to get a little
10:30:06 8 context about what this is.

10:30:09 9 THE COMMISSIONER: If it's just
10:30:09 10 a couple of minutes go ahead.

10:30:14 11 BY MS. MINGO:

10:30:14 12 Q. So you were talking about
10:30:16 13 these other assessments?

10:30:17 14 A. Uhm hmm.

10:30:17 15 Q. And did the RAI/MDS replace
10:30:18 16 many of these?

10:30:20 17 A. Yes.

10:30:21 18 Q. And assessing resident needs
10:30:21 19 is important in order to be able to
10:30:23 20 determine an appropriate plan of care for
10:30:24 21 them?

10:30:24 22 A. Yes.

10:30:25 23 Q. So for the homes the RAI/MDS
10:30:27 24 ensures a standardize assessment and plan
10:30:28 25 of care process for all residents?

10:30:31 26 A. Yes.

10:30:31 27 Q. And it allows long-term care
10:30:33 28 homes to track resident outcomes?

10:30:36 29 A. Yes.

10:30:36 30 Q. And standardized assessment
10:30:37 31 tools like this help improve resident
10:30:40 32 outcomes?

10:30:41 1 A. Yes. We can look into what
10:30:43 2 more we can do to help them. Med --
10:30:46 3 doctor's wise, BSO, yes definitely.

10:30:49 4 Q. Those are all my questions,
10:30:51 5 thank you.

10:30:51 6 THE COMMISSIONER: Thank you,
10:30:52 7 counsel. Can you just spell
10:30:53 8 your name please. I don't have
10:30:55 9 it here.

10:30:57 10 MS. MINGO: Sure. Last name
10:30:57 11 Mingo M-I-N-G-O.

10:30:59 12 THE COMMISSIONER: Thank you
10:30:59 13 very much, Ms. Mingo.

10:31:10 14 MS. HEWITT: College of Nurses.

10:31:13 15 MR. SCHWARTZENTRUBER: College
10:31:13 16 of Nurses has no questions for
10:31:14 17 this witness, Commissioner.

10:31:16 18 MS. HEWITT: OARC?

10:31:16 19 CROSS-EXAMINATION BY MS. FRASER:

10:31:27 20 Q. Laura, my name is Suzan
10:31:27 21 Fraser and I'm here on behalf of the
10:31:28 22 Ontario Association of Residents' Councils.

10:31:33 23 A. Uhm hmm.

10:31:34 24 Q. In your affidavit you talk
10:31:34 25 about the process, and this is at paragraph
10:31:37 26 9, you talk about the process with Dr.
10:31:39 27 Reddick where you do the three-month
10:31:44 28 medication review?

10:31:49 29 A. Yes.

10:31:49 30 Q. And you set up all of the
10:31:50 31 patients for Dr. Reddick?

10:31:52 32 A. Yes, we print out all the

10:31:54 1 quarterlies. I don't do it but the RN does
10:31:58 2 it. I never did that, the RN did that.
10:31:58 3 Whoever is at the desk, yeah.

10:32:00 4 Q. And then you go through that
10:32:01 5 with Dr. Reddick?

10:32:02 6 A. Yes.

10:32:03 7 Q. And at a point in that
10:32:04 8 three-month medication review is
10:32:06 9 Dr. Reddick seeing the patients as well?

10:32:09 10 A. Not always, no.

10:32:10 11 Q. Okay. So the medication
10:32:11 12 review takes place without him necessarily
10:32:13 13 seeing the patient?

10:32:14 14 A. Yes.

10:32:17 15 Q. I want to go to paragraph 35
10:32:19 16 of your affidavit, you talked in your
10:32:21 17 evidence this morning about Ms. Wettlaufer
10:32:24 18 coming in Halloween costumes for the
10:32:27 19 residents. And you talked about that as a
10:32:29 20 positive thing.

10:32:30 21 A. Yes.

10:32:31 22 Q. Right? Okay. And you
10:32:33 23 recall that one year she came as the grim
10:32:36 24 reaper?

10:32:36 25 A. Yes.

10:32:38 26 Q. Do you remember what year
10:32:39 27 that was?

10:32:39 28 A. No.

10:32:41 29 Q. We know that there was in
10:32:43 30 2011 there was a cluster of deaths in
10:32:46 31 October and November, do you remember
10:32:49 32 whether it could be 2011?

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A. No.

Q. And to your knowledge did anybody ever speak to Ms. Wettlaufer about whether it was appropriate for her to come dressed as the grim reaper?

A. No.

Q. Because for somebody who is palliative or frail that might really be very disconcerting?

A. Yes.

Q. You agree?

A. Yes, I agree.

Q. In your affidavit you discussed the issue where Ms. Wettlaufer was having a discussion asking the resident whether he needed a psychiatric evaluation?

A. Yes.

Q. And she also at that point in time asked him if he needed a Haldol injection?

A. Yes.

Q. And Haldol is an injectable medication often used -- sorry?

A. Yes.

Q. And I understand it's often used as a chemical restraint?

A. Yes.

Q. Okay. And did you understand that she was suggesting to him -- is that how you interpreted it?

A. Yes.

THE COMMISSIONER: Sorry, I

10:33:56 1 couldn't even understand what
10:33:58 2 that was. She didn't have the
10:34:00 3 question out before you answered
10:34:01 4 yes so I wasn't quite sure what
10:34:02 5 you were answering yes to.
10:34:04 6 MS. FRASER: I'm sorry,
10:34:04 7 Commissioner, I think she and I
10:34:06 8 think we know what we're
10:34:08 9 thinking but we'll make it
10:34:10 10 explicit for you.
10:34:12 11 THE COMMISSIONER: Thank you.
10:34:12 12 So the Haldol is an injectable
10:34:14 13 medication, and I believe that
10:34:15 14 the witness agreed that it was
10:34:16 15 often used as a chemical
10:34:18 16 restraint; is that correct?
10:34:20 17 THE WITNESS: Yes.
10:34:20 18 THE COMMISSIONER: Yes, thank
10:34:20 19 you.
10:34:24 20 THE WITNESS: But we don't use
10:34:25 21 it or even suggest it as
10:34:27 22 Caressant Care, but this is what
10:34:27 23 -- if you know your medications
10:34:29 24 that's what she was saying.
10:34:32 25 BY MS. FRASER:
10:34:33 26 Q. So just slowing it down to
10:34:34 27 kind of interpret that, what you understood
10:34:37 28 at the time, for people who aren't
10:34:38 29 regularly in a place where you use
10:34:41 30 medication, what I'm hearing you say, and
10:34:43 31 let me finish it first and then you can
10:34:45 32 tell me if I'm right or wrong, is I'm

10:34:49 1 hearing you say, at Caressant Care we
10:34:51 2 didn't regularly use Haldol as a chemical
10:34:54 3 restraint and we didn't suggest to people
10:34:57 4 that they needed it; is that fair?

10:34:59 5 A. Of course, yes.

10:35:00 6 Q. And you were concerned about
10:35:00 7 it at the time because you thought that the
10:35:02 8 person might be intimidated by the
10:35:04 9 suggestion that they needed Haldol?

10:35:07 10 A. Yes, but he wouldn't have
10:35:09 11 known what it was.

10:35:10 12 Q. Okay. If he had had
10:35:13 13 experience in a psychiatric hospital he
10:35:15 14 might have known?

10:35:16 15 A. Maybe.

10:35:17 16 Q. And she also suggested -- or
10:35:22 17 questioned of him whether he needed a psych
10:35:25 18 evaluation?

10:35:26 19 A. Yes.

10:35:26 20 Q. And that would involve a
10:35:27 21 transfer to a hospital for assessment?

10:35:29 22 A. Yes, it would have.

10:35:33 23 Q. And that's sometimes known
10:35:34 24 as a Form 1?

10:35:35 25 A. Yes. But --

10:35:36 26 Q. Is that how you interpreted
10:35:39 27 what she was suggesting to him?

10:35:41 28 A. That's kind of -- yeah,
10:35:41 29 that's what -- she was being sarcastic and
10:35:43 30 mean.

10:35:45 31 Q. And she said this two to
10:35:47 32 three times?

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A. Yes.

Q. And then I think that you said in your note that this was not the first time you had heard this?

A. Yes. Because it was -- I believe, like I had said earlier, that I was in the med room the one day and I swore I heard her say, What? Do you need a Haldol injection? But I wasn't sure. It was like, did I really hear that or didn't I? I couldn't say for sure but I had put that in there. Yeah, definitely.

Q. So --

A. Because she didn't realize -- I start work at 5 o'clock in morning and she didn't realize that I would be there. I don't think she realized that I would have been there that early in the morning.

Q. And that's one of the things that people can often say things where they're -- she knew you were prepared to report her obviously?

A. Yes.

Q. Okay. In terms of the PSWs who didn't report her I'm just interested in your interpretation of the dynamic. I know you can't speak for them but did you understand whether --

THE COMMISSIONER: I don't think this witness has ever said whether she knows if the PSW did

10:37:03 1 report or did not report.

10:37:07 2 MS. FRASER: Sorry, Madam

10:37:07 3 Commissioner, I was moving to

10:37:08 4 her general remarks that she'd

10:37:10 5 made this morning about PSWs

10:37:12 6 not reporting.

10:37:15 7 THE COMMISSIONER: Okay. Just

10:37:17 8 go slowly because my

10:37:18 9 recollection of the evidence was

10:37:19 10 that if a PSW told her something

10:37:22 11 what she would say is, You have

10:37:23 12 to report it to management.

10:37:26 13 MS. FRASER: Exactly.

10:37:28 14 THE COMMISSIONER: But we don't

10:37:29 15 know whether they did or not was

10:37:31 16 her later evidence.

10:37:33 17 MS. FRASER: Okay. Okay. I'll

10:37:34 18 leave that then, Madam

10:37:35 19 Commissioner.

10:37:40 20 THE COMMISSIONER: Was my

10:37:41 21 understanding right?

10:37:42 22 THE WITNESS: That's exactly

10:37:43 23 right, yes.

10:37:44 24 BY MS. FRASER:

10:37:44 25 Q. Thank you, that's helpful.

10:37:47 26 The interaction that you had with

10:37:50 27 the coroner where you thought that the

10:37:52 28 death was sudden and unexpected, do you

10:37:54 29 know what period of time that was? Was it

10:37:57 30 when Ms. Wettlaufer was working within the

10:37:59 31 institution?

10:38:00 32 A. No. I know she had nothing

10:38:02 1 to do with it. She was -- because it would
10:38:05 2 have been on our -- my floor, second floor.
10:38:08 3 She never worked that floor.

10:38:13 4 Q. Okay. Do you remember
10:38:12 5 whether it was during the period of time?

10:38:15 6 A. No, I don't remember.

10:38:19 7 Q. And so when the coroner
10:38:21 8 tells you that they don't consider the
10:38:24 9 death to be sudden or unexpected, and you
10:38:27 10 disagree with that decision, have you been
10:38:29 11 given any guidance about whether there's
10:38:32 12 any recourse for you?

10:38:34 13 A. No.

10:38:42 14 Q. Thank you, those are my
10:38:43 15 questions?

10:38:44 16 THE COMMISSIONER: Thank you
10:38:44 17 very much, Ms. Fraser.

10:38:51 18 MR. SCHWARTZ: No questions from
10:38:52 19 Advantage.

10:38:52 20 CROSS-EXAMINATION BY MS.

10:38:52 21 BINHAMMER:

10:39:06 22 Q. Good morning, Laura, I have
10:39:08 23 just a few questions for you.

10:39:09 24 My name is Lauren Binhammer and
10:39:11 25 I'm representing the Registered Nurses
10:39:12 26 Association of Ontario.

10:39:14 27 Now, you've said that in your
10:39:15 28 experience residents' care needs have
10:39:17 29 increased in the time you spent in
10:39:20 30 long-term care?

10:39:21 31 A. Yes.

10:39:21 32 Q. And so you've had residents

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1 with complex care needs?
2 A. Yes.
3 Q. And residents with unstable
4 or unpredictable conditions?
5 A. Yes.
6 Q. And so for those residents
7 with unstable or unpredictable conditions
8 their needs would change?
9 A. Yes.
10 Q. And they would require close
11 watch and assessment?
12 A. Yes.
13 Q. And I'm guessing you've also
14 encountered complex or unpredictable
15 situations?
16 A. Yes.
17 Q. You've worked as an RPN on
18 the floor for a long time. In your time as
19 an RPN on the floor, and given what we've
20 heard about the complexity of care, I'm
21 assuming you've encountered care issues
22 that you would have questions about or need
23 advice on?
24 A. Uhm hmm.
25 Q. And in those situations you
26 would go to a registered nurse?
27 A. A registered nurse or to the
28 doctor.
29 Q. And there's no doctor
30 regularly on site at Caressant?
31 A. No.
32 Q. So if you had an issue that

10:40:15 1 you needed addressed right away you would
10:40:17 2 go to the registered nurse?

10:40:19 3 A. Yes.

10:40:19 4 Q. And other RPNs are supposed
10:40:21 5 to do the same if they have questions?

10:40:25 6 A. Yes.

10:40:25 7 Q. Thank you, those are my
10:40:26 8 questions.

10:40:27 9 THE COMMISSIONER: Thank you,
10:40:28 10 Ms. Binhammer.

10:40:33 11 MS. HEWITT: RPNA?

10:40:34 12 CROSS-EXAMINATION BY MR. SINGH:

10:40:44 13 Q. Good morning, Laura, I'm
10:40:44 14 Shaun Singh on behalf of the Registered
10:40:47 15 Practical Nurses Association of Ontario.

10:40:49 16 You state that your function as
10:40:51 17 an RPN required that you to perform much of
10:40:54 18 the same work as the RNs; correct?

10:40:57 19 A. Yes.

10:40:58 20 Q. At paragraph 7 of your
10:40:59 21 affidavit you also state that, "Both RPNs
10:41:01 22 and RNs perform assessments for the
10:41:04 23 RAI/MDS system"?

10:41:05 24 A. Yes.

10:41:06 25 Q. How is it determined whether
10:41:07 26 it would be an RPN or an RN that would
10:41:11 27 complete the assessment?

10:41:12 28 A. There's no determination,
10:41:13 29 it's whoever is working that floor.

10:41:15 30 Q. So if I may restate,
10:41:16 31 whoever's available?

10:41:18 32 A. Whoever's available.

10:41:19 1 Q. Regardless of designation?

10:41:20 2 A. Yes.

10:41:21 3 Q. Would there ever be a
10:41:23 4 situation where an RN would be required to
10:41:26 5 complete that assessment?

10:41:28 6 A. Yes.

10:41:28 7 Q. And in what situations would
10:41:30 8 those be?

10:41:30 9 A. Well, level 1 and 2 on
10:41:33 10 section A there's just RNs that work
10:41:35 11 those floors on day shift; it's RPNs on the
10:41:39 12 afternoon shift so it depends on what shift
10:41:42 13 it was on.

10:41:43 14 Section B, if we have an RN and
10:41:46 15 two RPNs if it's their section the RN has
10:41:49 16 to do it in their section. So there's no
10:41:51 17 -- there's no -- it depends on who's
10:41:55 18 working and when it's due and at the time

10:41:57 19 Q. So it's not necessarily that
10:41:59 20 it's because of the RN's training it's
10:42:01 21 more because of the RN's presence?

10:42:04 22 A. Yes, yes.

10:42:05 23 Q. Staffing.

10:42:06 24 A. A PSW could fill it out,
10:42:09 25 they don't but they have the knowledge to
10:42:11 26 fill it out.

10:42:12 27 Q. And what type of assessments
10:42:14 28 would be conducted for that as an RPN?

10:42:17 29 A. The MDS assessment?

10:42:20 30 Q. Right.

10:42:20 31 A. Cognitive, short-term
10:42:22 32 memory, long-term memory, how their

10:42:25 1 decision-making is, what they can see, how
10:42:29 2 they can hear. Like, do they wear glasses?
10:42:32 3 Do they wear hearing aids? Their pain
10:42:34 4 level, dentures, if they have dentures,
10:42:38 5 partial plates, no teeth, all their teeth,
10:42:42 6 poor -- teeth in poor repair. If they are
10:42:46 7 a fall risk, if they use assist bars. And
10:42:54 8 what's the other thing on there? Is their
10:42:54 9 picture accurate. Those are all the
10:43:00 10 different things.

10:43:01 11 Q. And at any time either
10:43:02 12 during or after you performed the
10:43:03 13 assessment were you required to consult
10:43:05 14 with an RN?

10:43:06 15 A. Yes, I do, and PSWs to
10:43:11 16 make sure the information is accurate. If
10:43:13 17 it doesn't just add up for accurate --
10:43:16 18 RNs or RPNs, but PSWs know them.

10:43:19 19 Q. So you would just consult
10:43:21 20 with the other staff members who are
10:43:22 21 looking after that resident?

10:43:23 22 A. Looking after that person.

10:43:30 23 Q. At paragraph 8 you mention
10:43:31 24 that both RPNs and RNs perform the new
10:43:34 25 admissions?

10:43:35 26 A. Yes.

10:43:36 27 Q. Again how was it determined
10:43:37 28 as to whether an RPN or an RN --

10:43:40 29 A. There's no determination.
10:43:41 30 It depends on who's on, who's working.

10:43:44 31 Q. And in a similar fashion,
10:43:46 32 how would it be determined who conducted a

10:43:48 1 three-month med review for the residents?

10:43:51 2 Would it be an RN or RPN?

10:43:53 3 A. Depends on what nurse is on.

10:43:57 4 Q. What's involved in preparing
10:43:58 5 the initial care plan?

10:44:01 6 A. Oh, okay. Well, I -- when a
10:44:04 7 new resident comes in we start -- we start
10:44:09 8 their care plan by the 24-hour trigger, RAI
10:44:12 9 and MDS do this. And we start their care
10:44:17 10 plan by the 24-hour trigger and we call it
10:44:20 11 the "skeleton". We get the skeleton of
10:44:22 12 their care plan made up and then we can add
10:44:25 13 in what we know for facts about them; and
10:44:28 14 then that's how we initiate the care plan.

10:44:31 15 And then it has to -- it's pretty
10:44:34 16 much -- it's to be completed in 24 hours.
10:44:36 17 We print it out, give it to the PSW so the
10:44:40 18 PSWs know what they have to do for that
10:44:43 19 person that day.

10:44:44 20 And then they have their
10:44:45 21 seven-day observation period. And as
10:44:48 22 things go along either you can add things
10:44:51 23 to the care plan, the nurses add, they take
10:44:53 24 away. And then at that seven day, once all
10:44:57 25 that information, again, is into the
10:44:59 26 computer we as RAI co-ordinators go over it
10:45:03 27 and tweak it, I guess you'd say, to make
10:45:06 28 sure the care plan is all in order.

10:45:09 29 And then we ensure that the
10:45:10 30 PSWs are aware of all the changes, if
10:45:13 31 there's any changes at all. But we can
10:45:16 32 usually get it pretty -- it's gotten pretty

10:45:19 1 accurate on the first day
10:45:21 2 Q. And was it required that an
10:45:22 3 RPN or RN perform the initial care plan or,
10:45:26 4 again, how did that work?

10:45:27 5 A. Years ago it was the RN or
10:45:29 6 RPN, now it's the RAI co-ordinator.

10:45:35 7 Q. And as the RAI co-ordinator
10:45:37 8 you perform quarterly resident assessments?

10:45:40 9 A. Yes.

10:45:40 10 Q. And what was involved in
10:45:42 11 performing those assessments?

10:45:43 12 A. Those were the MDS papers
10:45:45 13 that the staff fill out. It comes to us
10:45:47 14 and then we go over everything in the
10:45:49 15 computer with it. But that's -- that's
10:45:52 16 what we do with it, the quarterlies.

10:45:55 17 Q. Okay. Now, turning to med
10:45:58 18 management you mentioned that both RNs
10:46:00 19 and RPNs input medications when there are
10:46:03 20 new resident admissions?

10:46:05 21 A. They used to.

10:46:06 22 Q. What happens now?

10:46:07 23 A. Pharmacy does it.

10:46:09 24 Q. So I'll just move past that
10:46:11 25 one a little bit then.

10:46:18 26 How often were you required to
10:46:19 27 consult with an RN in your role as an RPN?
10:46:23 28 So whether it's with respect to resident
10:46:25 29 care, resident assessments, med counts?

10:46:28 30 A. Myself not -- personally not
10:46:32 31 too often. Like, I can pretty much --
10:46:37 32 honestly I could -- Helen would tell you I

10:46:41 1 could pretty much run it on my own, do
10:46:43 2 things on my own to know what I've got to
10:46:44 3 do. Learning over the years. It's, you
10:46:49 4 know, but I would of course.

10:46:52 5 Q. Right. Now, you have
10:46:53 6 mentioned a significant amount of overlap
10:46:55 7 between the RPN role and the RN role. What
10:46:58 8 were some of the examples that are required
10:47:01 9 that an RN would have to perform at the
10:47:04 10 care facilities?

10:47:06 11 A. Right now I -- to be honest
10:47:10 12 with you there really isn't -- I don't know
10:47:13 13 of anything different because the RPNs on
10:47:16 14 the other side, the night nurse, they print
10:47:18 15 out the quarterlies. The RNs used to do
10:47:22 16 that now RPNs do it on section A.

10:47:25 17 I'm sorry, I honestly can't see
10:47:27 18 the -- don't honestly -- can't think of one
10:47:30 19 thing different. I just can go back years
10:47:33 20 ago, I remember when I started there I
10:47:35 21 wasn't to do a catheter, I wasn't to do IM
10:47:38 22 needles, RPNs weren't to do any of that.
10:47:41 23 And then we did the schooling and now we're
10:47:44 24 doing it out there, because that was years
10:47:47 25 ago. Now they're getting trained all that
10:47:49 26 in college now, of course, but I'm talking
10:47:52 27 years ago, right.

10:47:54 28 Q. Those are all my questions.

10:47:56 29 THE COMMISSIONER: Thank you,
10:47:56 30 Mr. Singh.

10:47:59 31 MS. HEWITT: Mr. Golden for
10:47:59 32 Caressant Care.

1 FURTHER CROSS-EXAMINATION BY MR.
2 GOLDEN:

3 Q. Hi, Laura, just going back
4 for a minute to that incident with D.W.
5 Are you aware whether at any time during
6 D.W.'s stay at Caressant Care he was sent
7 out of the home against his will for a
8 psych assessment?

9 A. Absolutely, not, no.

10 Q. And do you have any reason
11 to believe that over his entire stay at
12 Caressant Care he was given a Haldol
13 injection against his will?

14 A. Never, he never had an
15 order.

16 Q. And I think you said you
17 were aware there was a family meeting that
18 happened after this incident?

19 A. Yes, he called his son.

20 Q. And did you ever hear
21 anything either directly from D.W. or from
22 the family that he actually felt that he
23 was going to get a Haldol injection against
24 his will?

25 A. No.

26 Q. Thank you.

27 MS. HEWITT: Commissioner, I
28 just wanted to clarify one thing
29 with Ms. Long.

30 RE-EXAMINATION BY MS. HEWITT:

31 Q. When you're talking about
32 the Institutional Patient Death Record you

10:49:10 1 indicated that there was a part for the
10:49:11 2 doctor to sign?

10:49:13 3 A. Yes.

10:49:14 4 Q. And so I just want to have a
10:49:15 5 look at this, Commissioner. We had entered
10:49:19 6 as an exhibit three documents together, the
10:49:22 7 Medical Death Certificate, the Resident
10:49:24 8 Death Form and the Institutional Patient
10:49:25 9 Death Record. Could I have that exhibit,
10:49:33 10 Madam Clerk?

10:49:39 11 THE CLERK: When was that
10:49:40 12 entered?

10:49:42 13 MS. HEWITT: I do not recall the
10:49:43 14 day that it was entered. It was
10:49:44 15 a group of three documents
10:49:46 16 stapled together.

10:49:49 17 THE CLERK: Which --

10:49:49 18 MS. HEWITT: I believe it was
10:49:50 19 Ms. Routledge. I believe it's
10:50:06 20 Exhibit 35.

10:50:16 21 THE COMMISSIONER: It's Exhibit
10:50:16 22 35, counsel.

10:50:16 23 MS. HEWITT: Can I just have the
10:50:17 24 Clerk's copy for a moment?
10:50:23 25 If you have it in front of you,
10:50:24 26 Madam Commissioner, are those
10:50:26 27 documents 01670, 15387 and
10:50:31 28 15386?

10:50:33 29 THE COMMISSIONER: Yes, they
10:50:33 30 are.

10:50:34 31 BY MS. HEWITT:

10:50:34 32 Q. I just want to go through,

10:50:35 1 Laura, these documents just to make sure
10:50:38 2 that we have everything clear. So if we
10:50:41 3 can pull up document 01670? And these
10:50:54 4 wouldn't have been documents that you
10:50:56 5 signed I'm just trying to get some
10:50:58 6 indication. Do you recognize this medical
10:51:00 7 certificate of death?

10:51:01 8 A. Yes.

10:51:01 9 Q. And would you, as an RPN, be
10:51:04 10 responsible for filling out any part of the
10:51:05 11 medical certificate?

10:51:07 12 A. Just the top.

10:51:08 13 Q. All right. So --

10:51:09 14 A. Just the name just to get it
10:51:11 15 ready for the doctor when he showed up.

10:51:14 16 Q. So the rest of that form is
10:51:15 17 signed by the doctor?

10:51:16 18 A. Yes.

10:51:17 19 Q. And so if we can go then to
10:51:19 20 document 15387? This is the Institutional
10:51:34 21 Patient Death Record. And this is one
10:51:40 22 that's -- I think you indicated you can now
10:51:44 23 complete it on-line, is that correct?

10:51:46 24 A. Yes, I've never done one.

10:51:47 25 Q. On-line you mean?

10:51:48 26 A. Yes.

10:51:49 27 Q. And this one is one that was
10:51:50 28 simply checked, so if we can scroll down a
10:51:53 29 bit. The top of it has the name of the
10:52:00 30 deceased, this is Mrs. Pickering. Do you
10:52:02 31 see all of that information?

10:52:04 32 A. Yes.

1 Q. Would that be entered by the
2 doctor or the RN or RPN?

3 A. I honestly -- the top part
4 would have been the nurse I guess because
5 they do it on-line. I honestly don't know
6 what -- how they do it on-line now.

7 Q. And then the rest of the
8 questions are those answered by the RN or
9 RPN filling out the form? Whether it's an
10 accidental death, whether the death is both
11 sudden and unexpected?

12 A. I've never filled that out.

13 Q. I'll leave that document
14 then. Let's go to document --

15 THE COMMISSIONER: So, counsel,
16 may I just be clear? So with
17 the -- with the witness. So you
18 indicated earlier you've never
19 filled out one on-line?

20 THE WITNESS: Never.

21 THE COMMISSIONER: And are you
22 also saying you never filled out
23 a document like this when it was
24 by hand?

25 THE WITNESS: When it was the
26 initial one, the only one I've
27 ever filled out is that first
28 one you showed.

29 BY MS. HEWITT:

30 Q. But you indicated that you
31 would have filled out, in your experience,
32 an Institutional Patient Death Record

10:53:08 1 marking whether or not it was sudden and
10:53:10 2 unexpected?

10:53:12 3 A. No. The first one? You
10:53:13 4 don't do that, you just put their name on
10:53:16 5 it. The first one you just put their name
10:53:18 6 on it. I've -- like, I've never -- I've
10:53:22 7 never done this one. Like, it's been a few
10:53:24 8 years since I've been on the floor. I
10:53:26 9 don't know.

10:53:27 10 Q. So if we go back to the
10:53:29 11 first document you mean the Medical
10:53:30 12 Certificate of Death?

10:53:31 13 A. Yes. That one I've only --
10:53:34 14 we've only ever done -- I only ever
10:53:36 15 remember filling out the top. The doctor
10:53:38 16 fills out -- I've only filled out the top.
10:53:41 17 A doctor -- that's the only thing and then
10:53:46 18 the rest the doctor did.

10:53:48 19 THE COMMISSIONER: So by the top
10:53:49 20 you mean this --

10:53:51 21 THE WITNESS: Just their name --
10:53:52 22 all of Karen's writing there.

10:53:55 23 THE COMMISSIONER: Just one
10:53:55 24 second here, just so I'm clear.

10:53:57 25 Do you see the piece that says
10:53:58 26 "Information About the Deceased"

10:54:01 27 --

10:54:01 28 THE WITNESS: Yes.

10:54:02 29 THE COURT: -- and then the
10:54:02 30 name? And just up the next

10:54:04 31 heading, "Cause of Death",
10:54:05 32 that's the only piece that you

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would have filled out?
THE WITNESS: That's right.
When I was on the floor I've
never --
BY MS. HEWITT:
Q. All right. And there's just
one other document I want to show you, and
that's document 15386. And this is a
Resident's Death Form. Do you recognize
that document?
A. No, I don't actually.
Q. So when you were speaking
about talking to the coroner and asking,
isn't this sudden and unexpected?
A. Yes.
Q. I asked you whether or not
based on that you had indicated on a form
that the death wasn't sudden and
unexpected; is that correct?
A. Yes.
Q. What form was that that you
were filling out?
A. No, no, he had -- I said,
shouldn't it be sudden and unexpected?
Because, you know, when you fill out your
diagnosis and that -- on that first form
again, and he had said that no -- because I
said, this has to be unexpected. Something
wrong here. When he was doing -- the
doctor was doing his form at the desk and
he had said, No death is unexpected in the
nursing home.

10:55:22 1 Q. All right. So that was a
10:55:23 2 conversation that --

10:55:23 3 A. That was just a conversation
10:55:24 4 with the doctor when that lady died before
10:55:28 5 my eyes.

10:55:29 6 Q. So that was a conversation
10:55:29 7 about the way that he was filling out --

10:55:32 8 A. Was filling out his
10:55:33 9 paperwork.

10:55:34 10 Q. Okay, just let me ask the
10:55:34 11 question.

10:55:34 12 That was a conversation with the
10:55:35 13 doctor about how he was filling out his
10:55:38 14 Medical Death Certificate, correct?

10:55:40 15 A. Yes.

10:55:41 16 Q. It wasn't a conversation
10:55:42 17 about how you would fill out the
10:55:44 18 Institutional Patient Death Record?

10:55:46 19 A. Yes.

10:55:47 20 Q. Those are questions.

10:55:49 21 THE COMMISSIONER: So there was
10:55:50 22 some clarification on the
10:55:51 23 witness' evidence. Did any
10:55:54 24 counsel feel that they needed
10:55:55 25 to, in fairness, ask any other
10:55:59 26 questions relating to that from
10:56:00 27 the witness?

10:56:03 28 MS. HEWITT: Seeing no's.

10:56:05 29 THE COMMISSIONER: I'm seeing
10:56:06 30 all nos. Thank you. Then are
10:56:08 31 we finished with this particular
10:56:10 32 witness.

10:56:10 1 MS. HEWITT: Yes, we are
10:56:11 2 finished with Ms. Long.
10:56:13 3 THE COMMISSIONER: Ms. Long, I
10:56:14 4 just wanted to thank you on
10:56:16 5 behalf of the Inquiry for
10:56:16 6 coming. It's very important
10:56:19 7 that everybody come and share
10:56:21 8 their information and we
10:56:23 9 appreciate it. You are free to
10:56:24 10 go now. Thank you so much.
10:56:27 11 THE WITNESS: Thank you.
10:56:41 12 MS. HEWITT: Commissioner, as I
10:56:43 13 indicated earlier once we were
10:56:44 14 finished with Ms. Long we would
10:56:46 15 seek a break at this point in
10:56:47 16 time.
10:56:47 17 There is a procedural motion
10:56:49 18 being brought and there were
10:56:50 19 additional developments over the
10:56:51 20 weekend that counsel have not
10:56:53 21 been able to discuss or identify
10:56:54 22 whether or not those
10:56:55 23 developments change anything
10:56:56 24 within the Inquiry.
10:56:57 25 So we would request at least a
10:57:00 26 half an hour break and then to
10:57:01 27 keep you up-to-date.
10:57:03 28 THE COMMISSIONER: All right. I
10:57:03 29 think often it is much more
10:57:06 30 expeditious if counsel have an
10:57:08 31 opportunity to speak, so I'm
10:57:10 32 more than content for us to take

10:57:11 1 that morning recess.
10:57:13 2 If you think a half an hour is
10:57:16 3 the right amount then we will
10:57:18 4 break for a half an hour, but if
10:57:21 5 you think it's going to be
10:57:23 6 longer than that might I suggest
10:57:24 7 that say in about 25 minutes you
10:57:27 8 let the CSO know.
10:57:29 9 If the 30 minutes is enough then
10:57:30 10 I'll be back here in 30 minutes
10:57:33 11 but if not you might give
10:57:34 12 another indication of would it
10:57:34 13 be 10 or 15 minutes, or whatever
10:57:38 14 And if it's going to go beyond
10:57:40 15 45 minutes then perhaps we would
10:57:43 16 come back for sure at that stage
10:57:43 17 just to reorganize.
10:57:44 18 Thank you.
10:57:44 19 -- RECESSED AT 10:57 A.M.
02:54:03 20 -- RESUMED AT 11:52 A.M.
11:52:51 21 THE COMMISSIONER: Go ahead,
11:52:52 22 Ms. Hewitt. Where are we at?
11:52:57 23 MS. HEWITT: There are a number
11:52:58 24 of items to be dealt with,
11:53:01 25 Commissioner. We have two
11:53:01 26 procedural motions brought by
11:53:01 27 the Ontario Nurses Association,
11:53:01 28 and if I can just give you a
11:53:04 29 rundown of how we envisaged,
11:53:06 30 perhaps, the day unfolding
11:53:10 31 subject to the Commissioner's
11:53:14 32 response?

11:53:14 1 THE COMMISSIONER: All right.
11:53:14 2 MS. HEWITT: So the first motion
11:53:16 3 to be brought by ONA is in
11:53:19 4 relation to the admission of
11:53:20 5 additional documents that have
11:53:21 6 been produced by the
11:53:25 7 Association.
11:53:25 8 So ONA will bring that motion; I
11:53:30 9 will respond as Commission
11:53:32 10 Counsel, and then we'll go in
11:53:34 11 the regular order, responses
11:53:37 12 from any other counsel.
11:53:38 13 THE COMMISSIONER: All right.
11:53:39 14 MS. HEWITT: The second motion
11:53:39 15 is a request by ONA to be
11:53:39 16 granted additional time within
11:53:42 17 the Inquiry itself.
11:53:45 18 THE COMMISSIONER: Yes, and I
11:53:46 19 did get a copy of the Notice of
11:53:48 20 Motion on that. Thank you.
11:53:50 21 MS. HEWITT: Okay. And then
11:53:50 22 the same thing: ONA will bring
11:53:51 23 that motion; I will respond as
11:53:52 24 Commission Counsel, and then we
11:53:52 25 will allow all of the remaining
11:53:52 26 counsel should they so choose to
11:54:02 27 respond.
11:54:02 28 THE COMMISSIONER: Yes.
11:54:02 29 MS. HEWITT: The rest of the day
11:54:04 30 is really contingent on whether
11:54:06 31 you do or you do not allow,
11:54:07 32 potentially, the additional

11:54:10 1 documents to be tendered because
11:54:11 2 there are still concerns about
11:54:13 3 these documents and that may
11:54:15 4 impact the rest of the day's
11:54:17 5 proceedings.
11:54:18 6 So I don't know whether you
11:54:20 7 wanted to hear the two motions
11:54:22 8 first or you want me to identify
11:54:22 9 what the potential is for the
11:54:26 10 rest of the day?
11:54:28 11 THE COMMISSIONER: Why don't we
11:54:29 12 deal with the motions first, and
11:54:31 13 then we'll see where we go from
11:54:33 14 there?
11:54:34 15 MS. HEWITT: Thank you.
11:54:35 16 THE COMMISSIONER: Thank you.
11:54:38 17 MS. BUTT: Thank you, Madam
11:54:38 18 Commissioner. I wanted to start
11:54:40 19 by issuing an apology to the
11:54:44 20 Commission and to you and the
11:54:46 21 Participating Parties for this
11:54:47 22 late disclosure of documents.
11:54:48 23 It was an oversight, and I do
11:54:52 24 appreciate the bind that this
11:54:54 25 places everybody in.
11:54:55 26 I wanted to take a moment to
11:54:57 27 explain what happened first, and
11:54:59 28 then I'll turn to the nature of
11:55:00 29 those documents, and then I'll
11:55:02 30 just explain why they're
11:55:05 31 relevant, and I think it will be
11:55:05 32 pretty obvious that they are.

11:55:05 1 When Elizabeth Wettlaufer was
11:55:09 2 first arrested, ONA locked its
11:55:13 3 files, which are electronic, and
11:55:15 4 so they cut them off the system
11:55:17 5 completely; you cannot see that
11:55:17 6 they're there.
11:55:17 7 And they did that to preserve
11:55:17 8 the integrity of the files in
11:55:20 9 case the police came and wanted
11:55:22 10 to look at them. So the Union
11:55:23 11 was trying to do the right
11:55:26 12 thing, but the result is that
11:55:28 13 these files were not disclosed.
11:55:31 14 And so I became counsel in May.
11:55:34 15 I was not aware that these
11:55:35 16 documents had not been
11:55:36 17 disclosed. My predecessor is
11:55:39 18 actually having a baby today, so
11:55:42 19 I haven't been able to find out
11:55:43 20 anything more about what
11:55:44 21 happened.
11:55:44 22 It came to my attention on
11:55:47 23 Saturday that there were
11:55:48 24 documents not on the database.
11:55:50 25 I immediately sent them to Liz
11:55:53 26 Hewitt and can confirm that
11:55:56 27 everything in the files has now
11:56:00 28 been sent.
11:56:00 29 In terms of the nature of the
11:56:02 30 documents, they arise from the
11:56:03 31 grievance files relating to the
11:56:05 32 January 14 termination --

11:56:10 1 suspension and the termination
11:56:11 2 meeting.
11:56:12 3 These are documents that include
11:56:14 4 the Labour Relations Officer's
11:56:14 5 notes at the Step 2 meetings and
11:56:20 6 the termination meeting.
11:56:22 7 They include a few documents
11:56:23 8 from Elizabeth Wettlaufer
11:56:25 9 providing information to the
11:56:26 10 Labour Relations Officer at the
11:56:27 11 time, some settlement
11:56:29 12 correspondence -- some of that
11:56:30 13 was on the database, but there
11:56:32 14 are some documents that were
11:56:33 15 not -- and then there's some
11:56:37 16 administrative e-mails as well
11:56:40 17 where ONA is asking Elizabeth
11:56:42 18 Wettlaufer to sign the consent
11:56:44 19 for her human resources file,
11:56:46 20 things like that.
11:56:47 21 I don't have a copy of those
11:56:47 22 documents for you, but I can
11:56:47 23 undertake to get them to you
11:56:47 24 over the lunch break if they are
11:56:47 25 all on the database now.
11:56:54 26 THE COMMISSIONER: So can you
11:56:55 27 just help me? You said that ONA
11:56:58 28 locked, electronically locked
11:57:01 29 the files or something like
11:57:01 30 that? That --
11:57:01 31 MS. BUTT: Yes.
11:57:03 32 THE COMMISSIONER: How was it

11:57:04 1 that they never came to -- no
11:57:06 2 counsel looked for it or
11:57:07 3 whatever?
11:57:07 4 MS. BUTT: I'm not sure what
11:57:10 5 happened prior to May because I
11:57:12 6 wasn't involved. So that's why
11:57:12 7 I would have to try and find out
11:57:15 8 about that.
11:57:16 9 THE COMMISSIONER: I see. But
11:57:17 10 somehow, magically, you became
11:57:20 11 aware of it on Saturday. How?
11:57:22 12 MS. BUTT: Yes, yes. When I was
11:57:25 13 preparing Jill Allingham's
11:57:25 14 Affidavit, I realized that the
11:57:30 15 documents were not in the
11:57:31 16 database.
11:57:31 17 THE COMMISSIONER: Okay. And if
11:57:32 18 I understand the nature of the
11:57:34 19 documents, they relate to what
11:57:37 20 went on in the grievance that
11:57:40 21 arose from Caressant Care's
11:57:42 22 termination of her?
11:57:48 23 MS. BUTT: That's correct.
11:57:51 24 THE COMMISSIONER: Okay. So I
11:57:51 25 have no doubt of their
11:57:51 26 relevance.
11:57:54 27 MS. BUTT: They're clearly
11:57:54 28 relevant, and so we are asking
11:57:55 29 that they be admitted. They
11:57:56 30 will absolutely be helpful to
11:57:58 31 the Parties.
11:57:59 32 THE COMMISSIONER: Um...

11:57:59 1 MS. BUTT: I apologize. I wish
11:58:03 2 I could provide more of an
11:58:05 3 explanation. I was quite upset
11:58:08 4 Saturday when I found out.
11:58:11 5 THE COMMISSIONER: Um-hmm. So I
11:58:13 6 take it that nobody's objecting
11:58:16 7 to their admission? It's a
11:58:18 8 question of what we do with
11:58:20 9 them, would that be fair?
11:58:24 10 MS. HEWITT: I think it's fair
11:58:25 11 that no one's objecting to the
11:58:26 12 admission of these documents,
11:58:26 13 the relevance of these
11:58:26 14 documents. They also relate to
11:58:28 15 the suspension in January.
11:58:32 16 The concern that we have --
11:58:36 17 sorry, do you want Ms. --
11:58:41 18 THE COMMISSIONER: No, I wanted
11:58:41 19 to get a sense of the lay of the
11:58:44 20 land. Is there an issue about
11:58:45 21 relevance or admissibility, or
11:58:45 22 is it really how do we deal with
11:58:45 23 the documents?
11:58:48 24 MS. HEWITT: It's the latter.
11:58:50 25 THE COMMISSIONER: It's the
11:58:50 26 latter, okay. So nobody's
11:58:51 27 contesting that they're relevant
11:58:54 28 and admissible.
11:58:55 29 From my vantage point, obviously
11:58:58 30 there are procedural concerns
11:59:00 31 because we've already had the
11:59:02 32 Caressant Care witnesses on

11:59:03 1 these matters.
11:59:04 2 MS. HEWITT: Um-hmm.
11:59:04 3 THE COMMISSIONER: All right.
11:59:06 4 And what is ONA's position on
11:59:09 5 how you think we can best
11:59:12 6 address this issue?
11:59:14 7 MS. BUTT: I think many of the
11:59:16 8 documents relate to witnesses;
11:59:19 9 Wanda, for example, who will be
11:59:20 10 coming up, so that we can deal
11:59:23 11 with with some time to let
11:59:23 12 people review them.
11:59:24 13 With respect to anything -- the
11:59:25 14 Step 2 meeting notes, for
11:59:27 15 example, where Helen and Brenda
11:59:30 16 and Wanda were in attendance, I
11:59:31 17 mean, one thing we could do
11:59:35 18 would be to get a Supplemental
11:59:37 19 Affidavit and see if anyone
11:59:38 20 actually wants to cross-examine
11:59:39 21 on that.
11:59:40 22 It's unclear how much in these
11:59:43 23 documents would actually --
11:59:47 24 someone would want to put to the
11:59:49 25 other witnesses, but we will do
11:59:51 26 whatever we can to facilitate
11:59:53 27 that.
11:59:54 28 THE COMMISSIONER: All right,
11:59:55 29 okay. Thank you for that.
11:59:57 30 MS. BUTT: Thank you.
12:00:00 31 THE COMMISSIONER: Ms. Hewitt?
12:00:06 32 MS. HEWITT: Thank you,

12:00:10 1 Commissioner. I think the
12:00:11 2 concerns that have been raised
12:00:11 3 are two-fold, and No. 1 is that
12:00:11 4 there was procedural rules in
12:00:16 5 place as to the production of
12:00:16 6 documents, which would have
12:00:18 7 required all the Participants to
12:00:20 8 identify relevant documents and
12:00:22 9 produce them by April with any
12:00:24 10 disclaimers as to privilege.
12:00:27 11 And so at this point in time,
12:00:31 12 the Parties have not had an
12:00:33 13 opportunity to now review these
12:00:35 14 documents.
12:00:36 15 There were additional documents
12:00:37 16 that were located in a
12:00:39 17 double-locked filing cabinet in
12:00:42 18 the basement or the first floor
12:00:44 19 of Caressant Care. You'll
12:00:47 20 recall that was Karen
12:00:49 21 Routledge's testimony.
12:00:50 22 No one had the key, so we had to
12:00:54 23 get a locksmith to pull those
12:00:58 24 out. So those documents are now
12:01:00 25 available to the Parties.
12:01:01 26 But in relation to this
12:01:03 27 particular set, obviously
12:01:04 28 they're relevant; they're
12:01:07 29 admissible.
12:01:07 30 But as you indicated, the
12:01:10 31 witnesses have already been
12:01:12 32 called: Karen Routledge, Helen

12:01:13 1 Crombez, and Brenda Van
12:01:15 2 Quaethem.
12:01:15 3 And there may be questions that
12:01:19 4 the Participants would have put
12:01:23 5 to those individuals based upon
12:01:25 6 the documents, but we're going
12:01:27 7 to have to identify a process by
12:01:30 8 which we deal with that because
12:01:32 9 these documents are specifically
12:01:34 10 relevant to the proceedings.
12:01:35 11 And so it may be by way of
12:01:38 12 Supplemental Affidavit if
12:01:40 13 something comes up by any
12:01:44 14 Participant who has a question
12:01:46 15 that would relate to testimony
12:01:48 16 that's already been given.
12:01:50 17 THE COMMISSIONER: Um-hmm.
12:01:52 18 MS. HEWITT: Because we would
12:01:53 19 like as much as possible to
12:01:55 20 avoid having to call these
12:01:56 21 witnesses back.
12:01:58 22 THE COMMISSIONER: So let's just
12:02:00 23 think this through here for a
12:02:03 24 moment. Have all Participants
12:02:05 25 now had an opportunity to see
12:02:07 26 these late-produced documents?
12:02:11 27 MS. HEWITT: They were just
12:02:12 28 circulated among all counsel.
12:02:14 29 So what we were proposing to do
12:02:15 30 this aft -- we have a whole plan
12:02:17 31 this afternoon to allow the
12:02:19 32 Participants before their

12:02:21 1 cross-examination of
12:02:21 2 Ms. Saganesi to review them and
12:02:24 3 then, at that point in time, be
12:02:28 4 able to proceed tomorrow morning
12:02:31 5 with their cross-examinations.
12:02:36 6 THE COMMISSIONER: Giving some
12:02:37 7 time to everybody to look at it
12:02:38 8 and reflect on it and figure out
12:02:39 9 where to go is obviously the
12:02:39 10 right thing to do. I don't have
12:02:41 11 a problem with that.
12:02:43 12 I am concerned about us pressing
12:02:45 13 ahead with Ms. Saganesi if, in
12:02:49 14 fact, the consequence of
12:02:52 15 admitting the documents is such
12:02:53 16 that it may be advisable to
12:02:56 17 revisit any testimony already
12:02:59 18 given. It's going to be a
12:03:02 19 confusing enough process as it
12:03:04 20 is if we start Ms. Saganesi and
12:03:05 21 then it turns out that there
12:03:08 22 was, for example -- I don't
12:03:09 23 know, but just as a for
12:03:11 24 example -- some difference
12:03:14 25 between what she said and one of
12:03:15 26 the earlier witnesses said and
12:03:18 27 their memories, the earlier
12:03:20 28 witnesses' memories may be
12:03:23 29 refreshed by that. We haven't
12:03:25 30 cleaned it up here.
12:03:27 31 So the potential, I think, for
12:03:30 32 difficulties in process and

12:03:35 1 fairness will be exacerbated if
12:03:38 2 we start yet another witness on
12:03:42 3 an issue that might be --
12:03:46 4 because there may be some
12:03:49 5 differences in their viewpoint;
12:03:50 6 one is a head office person, and
12:03:50 7 one is an on-the-ground person.
12:03:53 8 MS. HEWITT: And to be fair, the
12:03:55 9 meeting in which some of the
12:03:57 10 notes, the January meeting in
12:03:57 11 which some of the notes were
12:03:57 12 taken wasn't put at all to
12:03:57 13 Ms. Crombez or Ms. Van Quaethem,
12:03:57 14 and yet there are comments
12:03:57 15 attributed to them in these
12:03:57 16 notes that have now been
12:04:09 17 produced, and those notes were
12:04:11 18 made by a representative of ONA.
12:04:12 19 And so we do have a situation
12:04:15 20 where if anyone is relying on
12:04:17 21 those comments or wants to put
12:04:19 22 in the document for the truth of
12:04:21 23 the -- and attribute those
12:04:24 24 comments to Ms. Crombez or
12:04:30 25 Ms. Van Quaethem, they have not
12:04:30 26 had an opportunity to review the
12:04:30 27 document and are obviously not
12:04:32 28 now on the stand.
12:04:33 29 THE COMMISSIONER: Right. I
12:04:34 30 just have another question and
12:04:35 31 that is: Our whole process and
12:04:39 32 all the rules anticipated and

12:04:42 1 envisaged that all documents
12:04:45 2 would be produced before the
12:04:48 3 Public Hearing started and that
12:04:50 4 the way in which the documents
12:04:51 5 would get into the knowledge of
12:04:55 6 the public be available to them,
12:04:58 7 it was through the Overview
12:05:00 8 Reports.
12:05:01 9 So these documents are -- how is
12:05:04 10 it anticipated that these
12:05:05 11 documents would be introduced at
12:05:07 12 this stage?
12:05:08 13 MS. HEWITT: Well, I would
12:05:11 14 submit that if the documents are
12:05:13 15 admissible that one way that we
12:05:14 16 could admit them would be to do
12:05:20 17 a Supplemental OR for the
12:05:22 18 public.
12:05:22 19 THE COMMISSIONER: So if that's
12:05:23 20 the case -- so basically, it
12:05:25 21 would be as if there had been
12:05:30 22 disclosure. So there was an
12:05:32 23 opportunity, though, for -- in
12:05:35 24 our processes, there was an
12:05:37 25 opportunity for the other
12:05:38 26 Participants to look at it and
12:05:39 27 object.
12:05:40 28 MS. HEWITT: Yes, we're really
12:05:42 29 working with a very fluid
12:05:44 30 situation. To be fair, other
12:05:47 31 counsel have produced documents
12:05:49 32 during the course of the

12:05:51 1 Hearings, but those have been
12:05:52 2 more policy-related type of
12:05:53 3 thing, and we've disclosed them
12:05:56 4 the night before.
12:05:57 5 This is the first situation, I
12:06:00 6 believe, that we've come across
12:06:00 7 where these are actual documents
12:06:00 8 that involve Ms. Wettlaufer
12:06:02 9 herself. Some were authored by
12:06:02 10 her; some were where she was.
12:06:05 11 The rules that you're referring
12:06:07 12 to, Commissioner, and the Rules
12:06:08 13 of Civil Procedure are in Rules
12:06:11 14 26 to 28, I believe.
12:06:14 15 And definitely, these documents
12:06:17 16 should have been captured to the
12:06:19 17 extent that they were available,
12:06:23 18 and I'm not sure --
12:06:26 19 THE COMMISSIONER: Counsel, I
12:06:27 20 mean, I accept ONA's
12:06:31 21 explanation --
12:06:33 22 MS. HEWITT: Yes.
12:06:33 23 THE COMMISSIONER: And they're
12:06:34 24 relevant; they're admissible.
12:06:35 25 They were disclosed as soon as
12:06:39 26 they came to light. It's
12:06:41 27 unfortunate that it came after
12:06:42 28 two weeks of Hearing that it
12:06:44 29 might be relevant to, but we are
12:06:47 30 just going to deal with that now
12:06:49 31 and deal with it procedurally.
12:06:50 32 I understand that.

12:06:51 1 So you said Rules of Civil
12:06:54 2 Procedure, but I think you
12:06:56 3 elevated my rules to --
12:06:57 4 MS. HEWITT: Yes.
12:06:57 5 THE COMMISSIONER: -- supported
12:06:57 6 legislation status probably, but
12:07:01 7 we're not quite there.
12:07:05 8 MS. HEWITT: Under "Document
12:07:06 9 Production," under the Rules of
12:07:07 10 Procedure for the Public
12:07:08 11 Hearings.
12:07:10 12 THE COMMISSIONER: So what
12:07:10 13 number?
12:07:11 14 MS. HEWITT: No. 25.
12:07:13 15 THE COMMISSIONER: Right.
12:07:14 16 MS. HEWITT: And No. 25 states:
12:07:16 17 "On or before April 5th, 2018,
12:07:19 18 each Participant shall serve on
12:07:21 19 the Commission a list of all
12:07:23 20 documents, reports, and other
12:07:24 21 written information in its
12:07:25 22 possession, control, or power
12:07:27 23 that the Participant views as
12:07:28 24 relevant to the Commission's
12:07:30 25 mandate as set out in the OIC.
12:07:33 26 A Participant shall not include
12:07:33 27 in its list any documents that
12:07:33 28 have already been produced
12:07:36 29 directly to the Commission."
12:07:36 30 And then those rules also
12:07:41 31 provide that the Commission
12:07:41 32 could then identify what

12:07:43 1 documents they wanted to see.
12:07:43 2 Obviously, we would have seen
12:07:46 3 those documents, wanted to see.
12:07:48 4 THE COMMISSIONER: Right.
12:07:49 5 MS. HEWITT: And then it
12:07:49 6 identifies in Rule 28 that:
12:07:52 7 "To the extent that a
12:07:55 8 Participant objects to the
12:07:55 9 production of any document on
12:07:55 10 the grounds of privilege,"
12:07:58 11 et cetera, they were to deliver
12:08:00 12 a list of those documents over
12:08:02 13 which privilege was asserted,
12:08:04 14 and then there was a mechanism
12:08:06 15 by which we could accept the
12:08:09 16 claim for privilege or refer the
12:08:12 17 claim to privilege for you.
12:08:14 18 THE COMMISSIONER: Right. That
12:08:15 19 one isn't too particular, but
12:08:19 20 then whatever documents the
12:08:20 21 Commission decided needed to be
12:08:23 22 disclosed would be disclosed to
12:08:23 23 the Participants.
12:08:27 24 MS. HEWITT: That's correct.
12:08:27 25 And then we had a process by
12:08:29 26 which the Overview Reports were
12:08:31 27 provided to all of the Parties,
12:08:34 28 and those were given on --
12:08:37 29 that's Rule 35.
12:08:41 30 THE COMMISSIONER: Right.
12:08:42 31 MS. HEWITT: "The Participants
12:08:44 32 will be given a draft copy of

12:08:46 1 each of the foundational
12:08:46 2 documents and draft copies of
12:08:46 3 the Overview Reports on or
12:08:49 4 before March 29th, 2018."
12:08:51 5 THE COMMISSIONER: Right. So
12:08:52 6 let me just ask you this,
12:08:54 7 though: So the database is
12:08:56 8 produced to the Participants;
12:08:58 9 they have copied the
12:09:03 10 foundational documents; they
12:09:03 11 have a copy of the Foundational
12:09:05 12 Draft Overview Reports.
12:09:09 13 Were there other documents that
12:09:10 14 were produced by the Parties --
12:09:13 15 there were, right?
12:09:16 16 MS. HEWITT: Yes.
12:09:16 17 THE COMMISSIONER: They were,
12:09:16 18 and what happened when the
12:09:18 19 Commission said, look, okay,
12:09:20 20 you've disclosed to me these
12:09:22 21 documents? You let the other
12:09:24 22 Participants know about it?
12:09:26 23 MS. HEWITT: They would go on
12:09:27 24 the database --
12:09:28 25 THE COMMISSIONER: Right.
12:09:28 26 MS. HEWITT: -- and then there
12:09:29 27 would be, I believe, an e-mail
12:09:30 28 that would be circulated,
12:09:33 29 identifying the new documents
12:09:34 30 that are on the database. Now,
12:09:36 31 those weren't immediate because
12:09:37 32 of the number of documents that

12:09:39 1 were on it.

12:09:40 2 THE COMMISSIONER: Right. But

12:09:40 3 not all of them made their way

12:09:42 4 into the Overview Reports?

12:09:44 5 MS. HEWITT: That's correct. We

12:09:45 6 had 42,000 documents, and the

12:09:48 7 Overview Reports that were

12:09:49 8 produced were the Commission's

12:09:52 9 view of those documents

12:09:54 10 particularly relevant to the

12:09:56 11 offenses and its mandate.

12:09:58 12 The other Participants had the

12:10:00 13 opportunity to review the drafts

12:10:01 14 and to identify whether they

12:10:03 15 agreed or disagreed.

12:10:04 16 And in the course of doing so,

12:10:07 17 they also did produce additional

12:10:09 18 information, Commissioner.

12:10:11 19 For instance, both ONA and

12:10:13 20 Caressant Care produced their

12:10:16 21 settlement e-mails in relation

12:10:18 22 to the final exchange of minutes

12:10:24 23 of settlement, how the reference

12:10:25 24 letter came about. Those did

12:10:27 25 make it into the finalized OR as

12:10:32 26 did some other documents that

12:10:34 27 were produced, particularly by

12:10:37 28 Caressant Care, that filled in

12:10:39 29 some of the process.

12:10:40 30 So there were a number of

12:10:42 31 documents put in including --

12:10:43 32 ONA did produce that e-mail

12:10:48 1 chain in I think it was May, or
12:10:50 2 April or May. So in any event,
12:10:53 3 they'd gone into the finalized
12:10:56 4 OR.
12:10:57 5 THE COMMISSIONER: So in a
12:10:58 6 perfect world, had this all
12:10:59 7 happened, it's your advice to me
12:11:00 8 that what you would have likely
12:11:03 9 have done was included these
12:11:04 10 documents in the OR, your
12:11:06 11 Facility's OR, but because it
12:11:09 12 hasn't, your proposal is that
12:11:10 13 you would file a Supplemental
12:11:14 14 Overview Report with these
12:11:15 15 documents in that way and then
12:11:17 16 once the -- and then tender the
12:11:19 17 Supplemental Overview Report
12:11:20 18 comes into evidence; therefore,
12:11:20 19 it goes out into the public?
12:11:25 20 MS. HEWITT: That's correct.
12:11:26 21 And in so doing, the documents
12:11:28 22 from the filing cabinet on the
12:11:30 23 first floor, they are really
12:11:33 24 mirror images of meetings that
12:11:35 25 were held with Ms. Wettlaufer
12:11:36 26 related to some of her
12:11:38 27 discipline.
12:11:38 28 So had I had the opportunity,
12:11:41 29 those documents would all have
12:11:43 30 gone in the next section of the
12:11:44 31 OR. They would have given both
12:11:46 32 the employer's notes of what was

12:11:50 1 said during the meeting and the
12:11:51 2 ONA notes of what was said. So
12:11:53 3 definitely, they would have gone
12:11:55 4 into the OR.
12:11:56 5 The new documents were more of
12:11:58 6 internal ONA documents, but they
12:12:00 7 do refer to correspondence from
12:12:02 8 Ms. Wettlaufer and some meetings
12:12:03 9 with her and with Caressant
12:12:06 10 Care.
12:12:06 11 So from my perspective, they
12:12:08 12 would have been relevant.
12:12:10 13 THE COMMISSIONER: So are you
12:12:12 14 proposing that the Supplemental
12:12:12 15 OR would have both the
12:12:12 16 additional documents from ONA,
12:12:16 17 plus the documents that have
12:12:17 18 been found from the locked box
12:12:20 19 as well?
12:12:21 20 MS. HEWITT: Yes, to the extent
12:12:23 21 that they're both admissible.
12:12:25 22 Because our position in this
12:12:25 23 Commission is to provide you, as
12:12:25 24 the Commissioner, with all
12:12:25 25 documents that may touch upon
12:12:29 26 the offenses and the surrounding
12:12:32 27 circumstances, and we don't want
12:12:35 28 to have a situation where
12:12:38 29 documents that may be relevant
12:12:40 30 are not within the Overview
12:12:42 31 Reports either for you or for
12:12:44 32 the public.

12:12:45 1 THE COMMISSIONER: I accept
12:12:45 2 that, and I appreciate that. So
12:12:47 3 do you yet know whether the
12:12:50 4 Participants have had a chance
12:12:52 5 to review both chunks of
12:12:54 6 documents?
12:12:55 7 MS. HEWITT: They have not.
12:12:56 8 THE COMMISSIONER: Okay. So
12:12:57 9 neither set of documents?
12:12:58 10 MS. HEWITT: Neither.
12:12:59 11 THE COMMISSIONER: All right,
12:12:59 12 okay.
12:12:59 13 MS. HEWITT: Some Participants
12:13:02 14 have. I have, and Mr. Golden,
12:13:07 15 we did get an affidavit, a draft
12:13:08 16 affidavit last night or
12:13:10 17 yesterday.
12:13:10 18 So I flipped it to Mr. Golden
12:13:14 19 because he was trying to prepare
12:13:16 20 Wanda Saganesi, but it's a draft
12:13:18 21 Affidavit. It hasn't been
12:13:18 22 finalized yet.
12:13:19 23 THE COMMISSIONER: All right.
12:13:19 24 So I appreciate your suggestion
12:13:22 25 that we would go ahead with
12:13:24 26 Ms. Saganesi. You've heard my
12:13:27 27 serious concerns.
12:13:28 28 I mean, it seems to me that we
12:13:30 29 should deal with our documents,
12:13:33 30 see if we need to deal with our
12:13:35 31 evidence that has already gone
12:13:37 32 in before we start with another

12:13:40 1 witness, but that's my tentative
12:13:46 2 view on that.
12:13:46 3 So can I hear from you on that
12:13:49 4 particular --
12:13:50 5 MS. HEWITT: It's a very
12:13:50 6 difficult situation. I have not
12:13:52 7 had an opportunity to go over
12:13:53 8 these documents with
12:13:54 9 Ms. Saganesi, and as I
12:13:56 10 understand it, Mr. Golden this
12:13:57 11 morning indicated that he had
12:13:59 12 not had quite an opportunity
12:14:01 13 either.
12:14:02 14 We've also asked that Mr. Golden
12:14:08 15 canvass with Ms. Saganesi
12:14:09 16 whether she has any notes so
12:14:12 17 that we get all of the notes in
12:14:12 18 immediately.
12:14:12 19 I don't know if he's had an
12:14:12 20 opportunity to do that, but to
12:14:14 21 the extent that there are any
12:14:15 22 other documents out there, we
12:14:17 23 want them produced now.
12:14:19 24 The Participants had thought
12:14:20 25 that, you know, if I did an
12:14:22 26 examination in-chief this
12:14:25 27 afternoon, I could leave it
12:14:27 28 open. It was more to save time
12:14:29 29 because we're so crunched for
12:14:32 30 time.
12:14:34 31 THE COMMISSIONER: I understand.
12:14:34 32 MS. HEWITT: We did talk about

12:14:34 1 adjourning till tomorrow, which
12:14:35 2 would give everybody an
12:14:37 3 opportunity including Commission
12:14:37 4 Counsel, but we are concerned
12:14:39 5 about the time.
12:14:41 6 THE COMMISSIONER: No, I
12:14:42 7 understand that. But let me
12:14:44 8 make sure that I understand any
12:14:47 9 concerns of anybody, and then
12:14:49 10 we'll sort out how to proceed.
12:14:52 11 MS. HEWITT: Okay, all right.
12:14:53 12 So those are my motions on the
12:14:56 13 first motion, and now we'll let
12:14:58 14 any other Participants --
12:14:59 15 THE COMMISSIONER: Rise, yes.
12:14:59 16 MS. HEWITT: -- rise.
12:15:01 17 THE COMMISSIONER: Thank you.
12:15:02 18 MS. HEWITT: And we'll go in the
12:15:03 19 same order. Mr. Golden?
12:15:04 20 THE COMMISSIONER: All right,
12:15:04 21 thank you.
12:15:07 22 MR. GOLDEN: Thank you. So,
12:15:08 23 Commissioner, with respect to
12:15:09 24 the documents -- look, unlike a
12:15:11 25 trial, I think we have to make
12:15:12 26 sure these documents are
12:15:15 27 admitted. They're clearly
12:15:16 28 relevant, and they may assist
12:15:18 29 you, and so they have to be
12:15:20 30 introduced some way.
12:15:22 31 My preliminary thought was that
12:15:24 32 whatever mechanism that we

12:15:26 1 choose for bringing in these new
12:15:30 2 documents, that mechanism should
12:15:32 3 apply both to the ONA documents
12:15:35 4 that were disclosed today, and
12:15:39 5 they should also apply to the
12:15:41 6 ONA documents which came from
12:15:43 7 the cabinet because the evidence
12:15:46 8 was it was an ONA-owned and
12:15:50 9 locked cabinet.
12:15:51 10 Only ONA had the keys to that
12:15:54 11 cabinet, and so those documents
12:15:56 12 should be treated in exactly the
12:15:58 13 same way.
12:15:59 14 My main concern, and part of it,
12:16:04 15 frankly, is a human concern.
12:16:06 16 I dread having to call Helen and
12:16:11 17 Brenda and Karen -- I mean,
12:16:12 18 women who had a really tough
12:16:14 19 time coming here and completing
12:16:17 20 it -- and saying, guess what,
12:16:19 21 there's a whole bunch of
12:16:22 22 documents or some that involve
12:16:23 23 some of your actions and
12:16:24 24 comments that you're now going
12:16:26 25 to have to deal with.
12:16:28 26 I think that, notwithstanding,
12:16:29 27 that it puts us in a bind.
12:16:32 28 There has to be an opportunity,
12:16:35 29 practically, for them to see
12:16:37 30 these documents.
12:16:37 31 If they choose to respond, then
12:16:42 32 I suppose they may have to put

12:16:44 1 in a Supplementary Affidavit.
12:16:50 2 I don't think it would be right
12:16:52 3 for there to be an automatic
12:16:52 4 right of cross-examination on
12:16:52 5 anything supplementary. I think
12:16:52 6 we would try and minimize the
12:16:58 7 response, but given the position
12:17:01 8 that they've been put in, I
12:17:04 9 would suggest there shouldn't be
12:17:07 10 an automatic right.
12:17:08 11 And there certainly shouldn't be
12:17:09 12 any, as we go back and review
12:17:12 13 the evidence, any negative
12:17:15 14 inferences drawn from anything
12:17:17 15 that these witnesses had said in
12:17:19 16 relation to specific meetings or
12:17:21 17 events that are referred to in
12:17:23 18 the new documents that they
12:17:25 19 didn't have a chance to review.
12:17:26 20 And clearly, the intention was
12:17:28 21 that this was going to be a very
12:17:31 22 transparent process, that all
12:17:33 23 the Parties would disclose the
12:17:35 24 documents that are relevant,
12:17:35 25 that they would go into reports,
12:17:35 26 that everyone would have a
12:17:35 27 chance to see.
12:17:35 28 So I wouldn't want there to be
12:17:41 29 any inferences drawn from the
12:17:43 30 fact that no one put these
12:17:46 31 documents to these witnesses and
12:17:47 32 asked them about the events and

12:17:51 1 use those documents to help
12:17:54 2 refresh their memory since that
12:17:56 3 opportunity was lost.
12:17:58 4 I think that's the best I can
12:18:01 5 suggest practically as to how we
12:18:05 6 move forward.
12:18:05 7 And I think in terms of what
12:18:07 8 Ms. Hewitt was saying about
12:18:10 9 Wanda, I think as well that it
12:18:11 10 would be possible to have her
12:18:14 11 start and perhaps deal with some
12:18:16 12 portion of her evidence that
12:18:17 13 does not relate or would not be
12:18:21 14 impacted by these documents once
12:18:22 15 we look at them and then break
12:18:23 16 and then continue so that we
12:18:25 17 don't lose all the time.
12:18:27 18 THE COMMISSIONER: Okay. So I
12:18:30 19 see what -- I didn't appreciate
12:18:32 20 that, Ms. Hewitt. So it was
12:18:35 21 going to be nothing if you led
12:18:37 22 her and then we broke, say,
12:18:39 23 early so that there was more
12:18:41 24 time for counsel to work with
12:18:43 25 this.
12:18:43 26 It would be nothing to deal with
12:18:45 27 the grievance, the settlement,
12:18:47 28 or any of that?
12:18:48 29 MS. HEWITT: I would do the
12:18:49 30 grievance and the settlement
12:18:50 31 because those documents were
12:18:52 32 produced by both ONA and

12:18:53 1 Caressant Care.
12:18:54 2 But anything related to the
12:18:55 3 Step 2 meetings, et cetera, of
12:18:58 4 which these notes refer to, I
12:19:00 5 wasn't going to touch those
12:19:01 6 particular situations, although
12:19:03 7 it would mean that we would go
12:19:05 8 out of sequence in my
12:19:07 9 examination in-chief.
12:19:07 10 THE COMMISSIONER: What have you
12:19:10 11 got for her other than the -- or
12:19:11 12 around the termination,
12:19:13 13 anything?
12:19:14 14 MS. HEWITT: Not a lot,
12:19:16 15 Commissioner, but what her role
12:19:19 16 was; to talk about progressive
12:19:21 17 discipline because that's
12:19:24 18 obviously the interpretation of
12:19:26 19 progressive discipline; and then
12:19:27 20 to talk about her discussions
12:19:29 21 with Ms. Crombez and Ms. Van
12:19:30 22 Quaethem; her involvement in any
12:19:35 23 of the discipline leading up to
12:19:37 24 the termination; and then the
12:19:41 25 negotiation of the minutes of
12:19:43 26 settlement; and the termination
12:19:44 27 letter.
12:19:46 28 THE COMMISSIONER: Okay, thank
12:19:46 29 you. All right. Thank you,
12:19:49 30 Mr. Golden. Mr. Van Kralingen?
12:19:59 31 MR. VAN KRALINGEN: Just on
12:20:00 32 behalf of both Mr. Scott and I,

12:20:03 1 we think the documents obviously
12:20:03 2 should be admitted. We think
12:20:03 3 that the guiding principles here
12:20:03 4 should not only be fairness but
12:20:05 5 also thoroughness and
12:20:07 6 transparency in terms of
12:20:08 7 fashioning a process of how to
12:20:11 8 manage this issue.
12:20:12 9 At this point, we're not willing
12:20:14 10 to give up on the possibility of
12:20:15 11 a right to re-cross-examine
12:20:16 12 Ms. Crombez or Ms. Van Quaethem
12:20:21 13 or anyone else who might be
12:20:23 14 touched by these documents.
12:20:24 15 But I think everyone will be in
12:20:28 16 a better position to give you an
12:20:30 17 answer on that, including you,
12:20:32 18 to evaluate those positions once
12:20:32 19 we've actually read the
12:20:32 20 documents and had a chance to
12:20:37 21 absorb them.
12:20:37 22 And in terms of a process, I'm
12:20:40 23 going to suggest maybe a
12:20:40 24 check-in with us, all counsel,
12:20:41 25 to see whether they think this
12:20:44 26 needs to have live viva voce
12:20:48 27 evidence or whether just a
12:20:53 28 Supplementary Affidavit would
12:20:55 29 do. Thank you.
12:20:55 30 THE COMMISSIONER: Thank you.
12:20:55 31 MS. HEWITT: The Ministry?
12:20:58 32 MR. KLOEZE: Commissioner, apart

12:20:58 1 from acknowledging that the
12:20:58 2 documents are relevant and
12:20:59 3 should be admitted, the Ministry
12:21:03 4 has no comments on any possible
12:21:06 5 resolution.
12:21:06 6 THE COMMISSIONER: Thank you.
12:21:07 7 MS. HEWITT: The College?
12:21:07 8 MS. SCHWARTZENTRUBER: My
12:21:12 9 comments are the same on behalf
12:21:13 10 of the College. It's clear that
12:21:15 11 the documents are relevant and
12:21:16 12 should be admitted, in our
12:21:18 13 opinion, and I think we'll be
12:21:20 14 discussing the process once
12:21:22 15 we've had a chance to fully look
12:21:24 16 at them.
12:21:25 17 THE COMMISSIONER: All right.
12:21:25 18 MS. SCHWARTZENTRUBER: Thank
12:21:25 19 you, Your Honour.
12:21:28 20 MS. HEWITT: OARC?
12:21:34 21 MS. FRASER: Thank you,
12:21:36 22 Commissioner. We'll adopt the
12:21:38 23 submissions of the families and
12:21:40 24 add only that should you have
12:21:42 25 any questions about how to
12:21:43 26 proceed, I think you're entitled
12:21:45 27 to actually see the documents
12:21:46 28 and evaluate what your process
12:21:50 29 should be.
12:21:50 30 But I think everybody here is
12:21:53 31 trying to work together to
12:21:54 32 adapt.

12:21:57 1 MS. HEWITT: AdvantAge?
12:22:03 2 MR. SCHWARTZ: Good afternoon,
12:22:03 3 Commissioner. AdvantAge, of
12:22:03 4 course, supports the
12:22:03 5 admissibility and relevance of
12:22:06 6 the documents, and as far as
12:22:07 7 process, we have no position.
12:22:11 8 THE COMMISSIONER: Okay, thank
12:22:11 9 you.
12:22:13 10 MS. HEWITT: RNAO?
12:22:14 11 MS. BINHAMMER: Commissioner,
12:22:16 12 the RNAO has the same position
12:22:18 13 as the College of Nurses. The
12:22:18 14 documents are relevant and
12:22:18 15 admissible, but we'll be in a
12:22:20 16 better position to speak to the
12:22:22 17 process once we've had the
12:22:23 18 chance to see them.
12:22:23 19 THE COMMISSIONER: Thank you.
12:22:23 20 MS. HEWITT: RPNAO?
12:22:26 21 MR. SINGH: I'd like to just
12:22:29 22 reiterate the points that my
12:22:29 23 friends from RNAO and the
12:22:29 24 College that the documents are
12:22:32 25 relevant, and again, we'll
12:22:34 26 proceed after having an
12:22:35 27 opportunity to review.
12:22:37 28 THE COMMISSIONER: All right,
12:22:37 29 thank you.
12:22:38 30 MS. HEWITT: And I just want to
12:22:40 31 clarify one thing: The
12:22:42 32 documents from the locked

12:22:43 1 cabinet were produced last week
12:22:46 2 in the presence of Caressant
12:22:48 3 Care and ONA. The locksmith was
12:22:50 4 called and it broken into.
12:22:52 5 Those have been on the website,
12:22:55 6 but as I understand it, there
12:22:56 7 may not have been an e-mail that
12:22:59 8 went around to alert the
12:23:01 9 Participants.
12:23:01 10 So that's not the current issue
12:23:04 11 with ONA. That's our own
12:23:07 12 internal process for those
12:23:08 13 documents, and then there's the
12:23:10 14 new documents that were
12:23:10 15 discovered by Ms. Butt on
12:23:17 16 Saturday.
12:23:17 17 THE COMMISSIONER: All right,
12:23:17 18 thank you. Okay. Thank you
12:23:19 19 very much for everybody's
12:23:20 20 cooperative attitude on this,
12:23:22 21 for the public more than
12:23:23 22 anything else.
12:23:24 23 I just note that in a Public
12:23:28 24 Inquiry, things move much more
12:23:31 25 quickly than otherwise, and
12:23:31 26 sometimes glitches happen, and I
12:23:32 27 accept that that's what happened
12:23:34 28 in this case.
12:23:35 29 I am not going to direct that
12:23:37 30 you start with Ms. Saganesi. I
12:23:40 31 think we need to clean this up
12:23:42 32 and make sure that everybody has

12:23:46 1 had a chance to review the
12:23:47 2 documents and assess their
12:23:51 3 position.
12:23:53 4 Subject to any objections, I
12:23:55 5 think that the proposal is the
12:24:00 6 best one, which is a
12:24:05 7 Supplemental OR.
12:24:06 8 If all the Participants are
12:24:08 9 agreed that it would go in, then
12:24:11 10 we can proceed in that way.
12:24:12 11 That is how we would have
12:24:14 12 proceeded prior to the Public
12:24:15 13 Hearing start, so that's the way
12:24:17 14 we will go ahead.
12:24:18 15 If someone has an objection to
12:24:21 16 admission of any of those
12:24:22 17 documents, then I need to
12:24:24 18 resolve that. I can't resolve
12:24:26 19 it without seeing the documents.
12:24:28 20 As I said, I don't think that
12:24:30 21 it's the wisest thing for us to
12:24:33 22 start Ms. Saganesi. I think we
12:24:34 23 need to deal with this.
12:24:36 24 How long do you think it will
12:24:38 25 take to circulate all of the
12:24:41 26 documents to the Participants,
12:24:42 27 find out whether they're onside,
12:24:46 28 that they go in and that there's
12:24:47 29 nothing that -- and just, as a
12:24:50 30 for example, you may see a
12:24:52 31 document which triggers them to
12:24:53 32 say, well, if that's in there,

12:24:56 1 maybe I need to do some more
12:25:00 2 searching or whatever.
12:25:02 3 So we need to allow some time
12:25:04 4 for the Participants to review
12:25:06 5 the documents and let you know
12:25:08 6 of their position on them.
12:25:09 7 If they say -- which I fully
12:25:13 8 expect, based on what I've heard
12:25:13 9 so far -- that they have no
12:25:13 10 difficulty, that they're
12:25:13 11 relevant, admissible, and it
12:25:16 12 doesn't trigger any problems for
12:25:19 13 them, that's one thing; if,
12:25:21 14 however, on review, it triggers
12:25:25 15 an obligation to do supplemental
12:25:29 16 work, either viva voce or by a
12:25:35 17 Supplemental Affidavit with some
12:25:37 18 of the prior witnesses, then I
12:25:40 19 think I'll have to come back and
12:25:43 20 hear that so that we can fashion
12:25:45 21 the appropriate process because
12:25:47 22 there, as obvious, is a
12:25:52 23 disagreement.
12:25:52 24 In other words, if it's done by
12:25:54 25 way of a Supplemental Affidavit,
12:25:56 26 then I may have to fashion rules
12:25:57 27 about re-examination and so on.
12:25:57 28 All of that, in my view, should
12:25:59 29 take place before we call
12:26:00 30 Ms. Saganesi.
12:26:02 31 So Question No. 1: If we look
12:26:04 32 at it in tranches, the first one

12:26:07 1 is get the documents to
12:26:08 2 everybody, to the Participants,
12:26:11 3 give them an opportunity to
12:26:12 4 review and come back to let you
12:26:14 5 know if they're content with
12:26:15 6 them or if they have some
12:26:17 7 follow-up, as in, I need to
12:26:21 8 recall a witness or whatever --
12:26:23 9 MS. HEWITT: Currently, I
12:26:25 10 believe everyone has the
12:26:27 11 document IDs. They've all been
12:26:28 12 loaded on to the system. They
12:26:28 13 were circulated this morning
12:26:28 14 while we were in session, and
12:26:31 15 then the additional ones were
12:26:34 16 circulated during breaks. So I
12:26:35 17 think everybody now has access
12:26:38 18 to the documents.
12:26:39 19 THE COMMISSIONER: Okay.
12:26:39 20 MS. HEWITT: There's not a
12:26:41 21 significant number of documents.
12:26:43 22 Some have already be produced,
12:26:45 23 as I said, by both ONA and
12:26:48 24 Caressant Care. A large chunk
12:26:49 25 of them related to the
12:26:52 26 negotiation of the settlement.
12:26:53 27 Those were in our OR reports.
12:26:56 28 So I would think that an hour
12:26:57 29 would be sufficient for people
12:27:00 30 to look at the remaining
12:27:02 31 documents that were produced.
12:27:04 32 As I said, a number of them are

12:27:06 1 just simply copies of
12:27:08 2 disciplinary notices that have
12:27:08 3 gone in.
12:27:08 4 But the rest are handwritten
12:27:13 5 notes of meetings and some
12:27:15 6 handwritten notes of meetings
12:27:17 7 with Ms. Wettlaufer and a couple
12:27:19 8 of e-mails.
12:27:19 9 So I believe an hour. I don't
12:27:21 10 know if anybody objects, whether
12:27:24 11 that's sufficient?
12:27:25 12 THE COMMISSIONER: Yes, I'll
12:27:27 13 hear that. And one of the other
12:27:30 14 things is is if we thought there
12:27:31 15 was an hour to review the
12:27:33 16 documents and then I allowed for
12:27:35 17 a lunch period, that would give
12:27:37 18 extra time if there were people
12:27:40 19 that needed to speak with you
12:27:42 20 about how we might fashion other
12:27:43 21 things if they want to call
12:27:45 22 other witnesses back or
12:27:47 23 whatever.
12:27:48 24 MS. HEWITT: That's correct.
12:27:49 25 THE COMMISSIONER: All right,
12:27:49 26 okay. Mr. Golden, I can't tell.
12:27:50 27 Are you feeling like you need to
12:27:53 28 rise to your feet and tell me
12:27:56 29 something or...?
12:27:58 30 MR. GOLDEN: No, I think an hour
12:27:59 31 is actually fine to review the
12:28:01 32 documents.

12:28:01 1 What absolutely will not happen
12:28:04 2 within an hour is an opportunity
12:28:06 3 for me to find if Helen, Brenda
12:28:10 4 are even around and able to talk
12:28:14 5 to them.
12:28:14 6 They really thought they were
12:28:17 7 done and were looking forward to
12:28:19 8 being done, and I don't know how
12:28:20 9 easy it's going to be to reach
12:28:22 10 them and meet them.
12:28:24 11 THE COMMISSIONER: All right.
12:28:24 12 MR. GOLDEN: Certainly we can
12:28:25 13 review the documents in an hour.
12:28:26 14 THE COMMISSIONER: All right.
12:28:27 15 Then what I'm going to propose
12:28:29 16 is that -- it's 12:30 -- we
12:28:30 17 break till 2 o'clock, and in
12:28:32 18 that period, I'd ask everybody
12:28:34 19 to review the documents and let
12:28:36 20 Ms. Hewitt know their position;
12:28:39 21 you know, let them in by way of
12:28:43 22 a Supplemental OR. I don't need
12:28:46 23 to call any more documents,
12:28:49 24 whatever it is.
12:28:49 25 In terms of you in particular,
12:28:52 26 Mr. Golden, it's obvious that
12:28:56 27 you may have additional work to
12:28:58 28 do than the others do, but
12:29:01 29 perhaps you're going to be able
12:29:03 30 to have a better sense of that
12:29:04 31 when you've spent more time with
12:29:07 32 the documents.

12:29:08 1 And so when we come back at
12:29:10 2 2 o'clock, hopefully at least,
12:29:14 3 you'll be able to speak to those
12:29:16 4 issues, timing issues, that.
12:29:19 5 And if there are segments of
12:29:22 6 Ms. Saganesi's evidence that can
12:29:28 7 be done that touch on none of
12:29:30 8 this -- in other words, identify
12:29:33 9 and enter her Affidavit as an
12:29:37 10 exhibit -- and if you have
12:29:39 11 straightforward background
12:29:41 12 questions and so on like that,
12:29:42 13 then we can do that and achieve
12:29:45 14 that.
12:29:47 15 But, Ms. Hewitt, no evidence
12:29:50 16 whatsoever relating to the
12:29:51 17 termination, the grievances, or
12:29:54 18 anything else. Nothing relating
12:29:55 19 to her knowledge, understanding,
12:30:00 20 whatever of the dealings with
12:30:01 21 Elizabeth Wettlaufer. I just
12:30:02 22 don't want that piece to be at
12:30:04 23 all, not even touched.
12:30:05 24 And if you say to me it's not
12:30:09 25 worth it, that there's only
12:30:09 26 15 minutes and so on, that's
12:30:12 27 fine. I'm prepared to hear
12:30:13 28 that.
12:30:13 29 But if you thought that there
12:30:15 30 was some preliminary work that
12:30:16 31 needed and could be done and
12:30:18 32 didn't even come close to

12:30:20 1 touching that, then I would
12:30:20 2 entertain hearing that this
12:30:20 3 afternoon.
12:30:22 4 MS. HEWITT: I'll have a look at
12:30:23 5 that over lunch hour, as well,
12:30:26 6 Commissioner.
12:30:28 7 THE COMMISSIONER: Right.
12:30:30 8 MR. GOLDEN: Commissioner, if I
12:30:30 9 may, there was an issue raised
12:30:30 10 by Ms. Hewitt as a preliminary
12:30:30 11 matter, and I think we should
12:30:30 12 have an understanding of where
12:30:30 13 that's going before we have this
12:30:33 14 break, and that is that I think
12:30:37 15 before Wanda Saganesi gives
12:30:40 16 evidence, we need to have a
12:30:43 17 finalized witness statement from
12:30:45 18 ONA on their witness that
12:30:47 19 relates directly to what they
12:30:49 20 say Ms. Saganesi said or did.
12:30:52 21 And I think within the time
12:30:53 22 frame, as I understood from
12:30:57 23 ONA's counsel, that was
12:30:59 24 realistic. They would be able
12:30:59 25 to have that finalized and
12:31:00 26 circulated before Ms. Saganesi
12:31:00 27 gives evidence, but I think we
12:31:03 28 should clarify that.
12:31:05 29 MS. BUTT: Yes, I can confirm
12:31:08 30 that Jill Allingham is here
12:31:08 31 today, and I should be able to
12:31:08 32 review that with her in the next

12:31:08 1 10, 15 minutes and then
12:31:12 2 circulate it.
12:31:14 3 THE COMMISSIONER: Yes, okay.
12:31:15 4 Does that...?
12:31:17 5 MR. GOLDEN: Sure. As long as
12:31:19 6 we know that that's a final
12:31:21 7 position as to what that witness
12:31:24 8 is going to say, then I can
12:31:24 9 review it with Ms. Saganesi and
12:31:24 10 that'll be fine.
12:31:24 11 MS. HEWITT: And that draft
12:31:27 12 Affidavit does refer to the new
12:31:30 13 document, so that would wrap up
12:31:33 14 that part of it too.
12:31:34 15 THE COMMISSIONER: Um-hmm. I'm
12:31:35 16 not going to see that, though.
12:31:36 17 I don't --
12:31:38 18 MS. HEWITT: No.
12:31:39 19 THE COMMISSIONER: No. The
12:31:40 20 issue, then, is one for the
12:31:42 21 Participants.
12:31:42 22 Agree on her final statement;
12:31:45 23 circulate to the Participants so
12:31:48 24 everyone knows the gist,
12:31:48 25 effectively, of her evidence on
12:31:49 26 the position.
12:31:50 27 MS. HEWITT: Right. You won't
12:31:50 28 see it until it goes through
12:31:55 29 Ms. Allingham.
12:31:57 30 THE COMMISSIONER: Right,
12:31:57 31 right, yes. It seems to me you
12:31:58 32 can do that as well.

12:32:00 1 And if I can, Counsel, and
12:32:02 2 probably it's clear to everybody
12:32:04 3 in the room, if it's going to
12:32:06 4 create any procedural
12:32:10 5 complications or raise any
12:32:11 6 issues or whatever, we will
12:32:13 7 simply put off beginning
12:32:14 8 Ms. Saganesi until it's all
12:32:17 9 resolved.
12:32:18 10 But otherwise, if the work that
12:32:20 11 I've asked Participants to do
12:32:23 12 over the lunch break can be done
12:32:24 13 and she can come on, then we
12:32:27 14 will; but otherwise, we'll start
12:32:28 15 with her after.
12:32:30 16 MS. HEWITT: That's fine,
12:32:31 17 Commissioner. We do have ONA's
12:32:34 18 second procedural motion which
12:32:34 19 will potentially impact this as
12:32:34 20 well because we're going to be
12:32:35 21 losing time here, and there's a
12:32:36 22 request for additional -- would
12:32:38 23 you like to hear that now or
12:32:40 24 later?
12:32:41 25 THE COMMISSIONER: I understand
12:32:41 26 that and it obviously has
12:32:44 27 implications, and I don't want
12:32:46 28 to hear it now because I don't
12:32:47 29 know what the implications are
12:32:47 30 of this particular piece of
12:32:47 31 things.
12:32:47 32 It may be that we need to recall

12:32:50 1 witnesses or file Supplemental
12:32:52 2 Affidavits or provide for
12:32:55 3 additional cross-examination on
12:32:56 4 witnesses. So I think we need
12:32:57 5 to deal with this, and then I
12:32:59 6 will hear the other motion.
12:33:00 7 Thank you.
12:33:02 8 MS. HEWITT: Thank you.
12:33:04 9 THE COMMISSIONER: Thank you.
12:33:04 10 All right. So we'll break,
12:33:05 11 then, until 2 o'clock?
12:33:06 12 MS. FRASER: Madam Commissioner?
12:33:06 13 THE COMMISSIONER: Yes?
12:33:06 14 MS. FRASER: I don't know
12:33:09 15 whether we'll have access to
12:33:11 16 this room, which we require in
12:33:13 17 order to have access to the
12:33:15 18 database because of the --
12:33:17 19 THE COMMISSIONER: Oh, yes.
12:33:17 20 Thank you, Ms. Fraser. That's
12:33:20 21 not a problem. I know normally
12:33:22 22 you lock the courtroom, right,
12:33:25 23 Madam CSO?
12:33:26 24 THE CSO: Yes.
12:33:26 25 THE COMMISSIONER: But today,
12:33:27 26 can we leave it open?
12:33:28 27 THE CSO: Yes.
12:33:28 28 THE COMMISSIONER: Yes. Thank
12:33:28 29 you very much for that.
12:33:29 30 MS. HEWITT: And if counsel are
12:33:30 31 going to stay and prepare and
12:33:32 32 review things, I just want to be

12:33:35 1 assured that the webcast will be
12:33:38 2 turned off because there'll be
12:33:41 3 confidential, privileged
12:33:42 4 conversations going on.
12:33:43 5 Is that my understanding as to
12:33:45 6 how it works?
12:33:47 7 THE COMMISSIONER: Yes. Let's
12:33:48 8 just have a confirmation there
12:33:48 9 from our webcasting people. Our
12:33:50 10 transcriptionists know not to --
12:33:51 11 MS. HEWITT: Transcribe.
12:33:51 12 THE COMMISSIONER: -- transcribe
12:33:51 13 while they're on. The webcaster
12:33:57 14 behind that apparently
12:34:01 15 innocuous-looking mirror...
12:34:03 16 MS. HEWITT: I don't know if
12:34:03 17 you have a better view, but I
12:34:03 18 saw a thumbs up. Thumbs up,
12:34:05 19 we're good.
12:34:06 20 THE COMMISSIONER: All right.
12:34:07 21 Oh, yeah, I saw kind of a head
12:34:08 22 there. So I'm just instructing
12:34:08 23 the webcast people when I close
12:34:11 24 court, then nothing else goes on
12:34:11 25 the website until I open court
12:34:11 26 again. Thank you very much.
12:34:12 27 MS. HEWITT: Thank you,
12:34:22 28 Commissioner.
12:34:42 29 -- RECESSED AT 12:34 P.M.
02:14:51 30 -- RESUMED AT 2:14 P.M.
02:15:08 31 THE COMMISSIONER: Go ahead,
02:15:10 32 Ms. Hewitt.

02:15:13 1 MS. HEWITT: Good afternoon,
02:15:14 2 Commissioner. We have had an
02:15:17 3 opportunity to -- everyone's had
02:15:19 4 an opportunity to review the new
02:15:21 5 productions, and I can advise
02:15:22 6 that, No. 1, no one has an
02:15:24 7 objection in them going into a
02:15:25 8 Supplementary Overview Report.
02:15:29 9 No. 2, there was a duffle bag
02:15:34 10 full of educational materials,
02:15:36 11 but we are going to go through
02:15:38 12 all of those just to make sure
02:15:41 13 there wasn't something stuck in
02:15:43 14 a binder as well. So we're
02:15:44 15 going to go through those
02:15:46 16 documents.
02:15:47 17 In respect of a process, this is
02:15:49 18 our thoughts: We would suspend
02:15:52 19 the examination of Ms. Saganesi
02:15:56 20 and start tomorrow with some
02:15:58 21 witnesses from Meadow Park.
02:16:01 22 We would come back on Wednesday
02:16:03 23 whenever some of the Meadow Park
02:16:07 24 witnesses are done, and we would
02:16:09 25 have Ms. Saganesi testify and
02:16:11 26 then Ms. Allingham testify to
02:16:17 27 identify all of the evidence
02:16:18 28 that they have.
02:16:19 29 And there is an indication that
02:16:25 30 there may be relevant questions
02:16:27 31 arising out of a meeting to be
02:16:29 32 asked of Ms. Crombez and perhaps

02:16:31 1 Ms. Van Quaethem, that we would
02:16:37 2 first put those questions to
02:16:38 3 those witnesses and get the
02:16:42 4 response by way of Affidavit,
02:16:44 5 and counsel would ask me to ask
02:16:47 6 certain questions so that we
02:16:48 7 would be able to, hopefully, get
02:16:50 8 all of the questions that arise
02:16:53 9 out of the testimony of
02:16:55 10 Ms. Saganesi and Ms. Allingham
02:16:55 11 dealt with at once.
02:16:58 12 And then counsel would advise
02:17:01 13 once they received those
02:17:03 14 affidavits as to whether or not
02:17:05 15 they will request that they
02:17:07 16 attend to provide viva voce
02:17:09 17 evidence.
02:17:13 18 Now, we haven't been able to get
02:17:17 19 Ms. Van Quaethem; Ms. Crombez
02:17:19 20 was reached over the lunch hour
02:17:22 21 and is shocked.
02:17:25 22 But to the extent that we can
02:17:27 23 find the two of them, I think
02:17:29 24 that this is the best process
02:17:31 25 with the caveat that any
02:17:33 26 evidence proposed by or led by
02:17:35 27 Ms. Saganesi or Ms. Allingham
02:17:36 28 that may have impacted on
02:17:41 29 Ms. Crombez or Ms. Van
02:17:42 30 Quaethem's testimony that no
02:17:46 31 adverse inference be taken
02:17:48 32 because those questions and

02:17:50 1 these documents weren't put to
02:17:52 2 them.
02:17:54 3 THE COMMISSIONER: Well, that
02:17:57 4 sounds like a very productive
02:17:59 5 lunch period, so I suspect
02:18:01 6 everybody's hungry because they
02:18:03 7 never ate.
02:18:04 8 But that sounds good. Let me
02:18:06 9 just reflect on this for a
02:18:08 10 moment. Okay.
02:18:09 11 Starting then from the top,
02:18:12 12 there's no objections to the
02:18:14 13 Supplemental Overview Report for
02:18:16 14 the Facilities being prepared?
02:18:19 15 MS. HEWITT: Right.
02:18:19 16 THE COMMISSIONER: So you don't
02:18:20 17 need an order to that effect,
02:18:22 18 but you certainly have my
02:18:24 19 permission and endorsement, and
02:18:26 20 I appreciate that.
02:18:28 21 And I think, as I said, you will
02:18:30 22 need to introduce that as an
02:18:32 23 exhibit so it can get on the
02:18:35 24 website for everybody.
02:18:36 25 MS. HEWITT: Yes.
02:18:37 26 THE COMMISSIONER: Okay. But
02:18:37 27 what's the duffle bag of
02:18:37 28 documents got to do with
02:18:40 29 anything?
02:18:41 30 MS. HEWITT: I know it sounds
02:18:41 31 weird, but we've got
02:18:41 32 double-locked, padlocked

02:18:41 1 cabinets, we've got computers,
02:18:41 2 and we've got a duffle bag.
02:18:41 3 Just to be sure, we want to take
02:18:44 4 the afternoon.
02:18:45 5 I don't have any witnesses to
02:18:47 6 present this afternoon given our
02:18:49 7 new -- we wanted to take with
02:18:51 8 our team this afternoon the
02:18:53 9 opportunity to go through those
02:18:55 10 educational materials, the
02:18:57 11 duffle bag, and see if there's
02:18:58 12 anything that we believe is
02:18:58 13 relevant, giving opportunity to
02:19:01 14 the other Parties to review the
02:19:03 15 documentation as well.
02:19:04 16 To the extent that it is
02:19:06 17 relevant, it's all available
02:19:09 18 before we put either
02:19:10 19 Ms. Saganesi or Ms. Allingham on
02:19:11 20 the stand.
02:19:12 21 So that's what we would do with
02:19:13 22 the balance of this afternoon --
02:19:15 23 THE COMMISSIONER: Okay.
02:19:15 24 MS. HEWITT: -- and then start
02:19:16 25 fresh in the morning with our
02:19:18 26 next witnesses, which will be
02:19:22 27 Heather Nicholas --
02:19:23 28 THE COMMISSIONER: Let's just --
02:19:23 29 one at a time.
02:19:25 30 MS. HEWITT: Yes.
02:19:25 31 THE COMMISSIONER: Okay, so I
02:19:25 32 agree with that. So the duffle

02:19:27 1 bag documents, have those been
02:19:29 2 shared with the other
02:19:32 3 Participants?
02:19:33 4 MS. HEWITT: No, they're in our
02:19:34 5 possession, and we received them
02:19:36 6 when the padlock was broken on
02:19:39 7 the...
02:19:40 8 THE COMMISSIONER: Okay, I
02:19:40 9 understand now. So would it be
02:19:41 10 fair for me to understand that
02:19:41 11 what's going to happen this
02:19:41 12 afternoon subject to anything
02:19:43 13 else, it will be that there will
02:19:44 14 be a vetting of the educational
02:19:48 15 materials and a sharing of them,
02:19:50 16 everybody's going to agree, and
02:19:51 17 then the Supplemental Overview
02:19:53 18 Report will be prepared that
02:19:55 19 will include all of the
02:19:57 20 documents including any more
02:19:58 21 from the duffle bag?
02:20:00 22 MS. HEWITT: Right. So we're
02:20:00 23 going to flag anything that we
02:20:03 24 believe is relevant.
02:20:04 25 Ms. Hughes is going to look
02:20:04 26 through it to see if there's
02:20:04 27 anything that's privileged, and
02:20:09 28 then to the extent that there's
02:20:11 29 nothing privileged and that she
02:20:13 30 doesn't want to argue about,
02:20:14 31 then we will make it available
02:20:14 32 for everybody else to look at if

02:20:14 1 they have any differences of
02:20:14 2 opinion as to what we believe is
02:20:19 3 relevant to the mandate of the
02:20:21 4 Commission.
02:20:22 5 THE COMMISSIONER: Okay, all
02:20:22 6 right. Good. And I think that
02:20:23 7 is exactly the right thing just
02:20:25 8 in case there's something there
02:20:27 9 and it might impact on any of
02:20:29 10 the other evidence that might be
02:20:31 11 generated in relation to what's
02:20:34 12 already gone by.
02:20:35 13 Okay. So that sounds like a
02:20:37 14 good plan, and I certainly agree
02:20:37 15 with it. I agree that it
02:20:38 16 doesn't make sense to start
02:20:40 17 anybody today, and I agree that
02:20:43 18 we should start the Meadow Park
02:20:45 19 witness tomorrow.
02:20:46 20 So typically the Affidavit
02:20:51 21 evidence and so on has been
02:20:53 22 given to me when you've tendered
02:20:54 23 it and had the witness identify
02:20:59 24 it.
02:20:59 25 Because we've lost a great deal
02:21:02 26 of today, if there are
02:21:03 27 affidavits that are going to be
02:21:05 28 relied on tomorrow and I can see
02:21:07 29 them in advance, I'd appreciate
02:21:09 30 getting them, and I'll review
02:21:09 31 them tonight before we go on.
02:21:09 32 MS. HEWITT: Yes, that's not a

02:21:09 1 problem. They're ready.
02:21:12 2 THE COMMISSIONER: Okay, great.
02:21:13 3 And then on Wednesday, you were
02:21:17 4 going to start with
02:21:18 5 Ms. Saganesi?
02:21:21 6 MS. HEWITT: Yes, or finish the
02:21:22 7 morning with -- we'll finish off
02:21:25 8 the one or two Meadow Park
02:21:28 9 witnesses, and then we'll start
02:21:32 10 with Ms. Saganesi.
02:21:33 11 THE COMMISSIONER: Does that
02:21:34 12 presuppose that, by that stage,
02:21:34 13 it's anticipated that there will
02:21:34 14 have been a decision made in
02:21:41 15 relation to whether or not
02:21:43 16 Caressant Care witnesses that
02:21:44 17 have already testified will be
02:21:48 18 called again?
02:21:49 19 MS. HEWITT: No, because our
02:21:50 20 view was if we put Ms. Saganesi
02:21:53 21 and Ms. Allingham -- if we got
02:21:55 22 the Affidavits in advance of
02:21:57 23 Ms. Saganesi and Ms. Allingham's
02:21:58 24 testimony, Ms. Saganesi and
02:22:00 25 Ms. Allingham may raise other
02:22:02 26 issues that we would also want
02:22:04 27 to put to Helen and Brenda.
02:22:06 28 So we would wait till that
02:22:10 29 testimony goes in.
02:22:11 30 We would then get Affidavits
02:22:13 31 based on any questions that the
02:22:15 32 Parties had again of Ms. Crombez

02:22:17 1 or Ms. Van Quaethem or both; we
02:22:18 2 would provide those affidavits;
02:22:20 3 and then, at that point in time,
02:22:23 4 the Parties would identify
02:22:26 5 whether or not there is a
02:22:28 6 necessity, from their
02:22:28 7 perspective, to call viva voce
02:22:30 8 evidence. And then that would
02:22:33 9 be a request that they would be
02:22:35 10 making.

02:22:37 11 THE COMMISSIONER: Yes, all
02:22:37 12 right. And this has all been
02:22:39 13 canvassed over the lunch recess
02:22:39 14 with everybody and all the
02:22:42 15 participants are content to
02:22:42 16 proceed in this way? It makes a
02:22:48 17 lot of sense to me.
02:22:50 18 So I think that that's all we
02:22:54 19 can do then because we can't
02:22:56 20 tell if we will need to hear
02:22:59 21 again from prior witnesses on
02:23:02 22 anything.

02:23:03 23 MS. HEWITT: Yes.

02:23:03 24 THE COMMISSIONER: Yes. No,
02:23:04 25 this is a very sensible and I
02:23:06 26 think a very fair and
02:23:09 27 transparent solution. So I'm
02:23:11 28 grateful, yes. I approve.

02:23:13 29 MS. HEWITT: So we have no more
02:23:16 30 witnesses for you this
02:23:17 31 afternoon, but there is the
02:23:19 32 motion.

02:23:19 1 THE COMMISSIONER: Right.
02:23:19 2 MS. HEWITT: And the Parties
02:23:21 3 wanted to know whether you would
02:23:22 4 like to deal with that this
02:23:25 5 afternoon because it does impact
02:23:27 6 on the potential time given to
02:23:28 7 people to cross-examine,
02:23:30 8 et cetera.
02:23:30 9 THE COMMISSIONER: I don't have
02:23:31 10 a problem hearing the motion.
02:23:34 11 Part of my hesitation depends on
02:23:39 12 what happens, though, to the
02:23:45 13 balance of the process.
02:23:47 14 MS. HEWITT: Um-hmm.
02:23:49 15 THE COMMISSIONER: So is this
02:23:51 16 because ONA is not sure of how
02:23:53 17 much time it has in terms of
02:23:55 18 remaining?
02:23:56 19 MS. HEWITT: They know how much
02:23:56 20 time they have remaining; that
02:23:56 21 was allocated to them. They're
02:23:58 22 seeking additional time by way
02:24:01 23 of the motion.
02:24:02 24 THE COMMISSIONER: Right, right.
02:24:02 25 But it may be that we need to
02:24:05 26 interrupt our whole process and
02:24:07 27 add in more time for further --
02:24:09 28 well, either possible
02:24:12 29 cross-examination on Affidavit
02:24:14 30 and further re-examination and
02:24:15 31 so on.
02:24:18 32 MS. HEWITT: That's correct.

02:24:19 1 THE COMMISSIONER: So without
02:24:21 2 that piece of the puzzle, it
02:24:23 3 doesn't seem to me that I can
02:24:27 4 fairly hear the ONA motion for
02:24:29 5 additional time because it's
02:24:31 6 hard for me to assess that.
02:24:34 7 So unless they're -- when does
02:24:37 8 ONA need to know it's going to
02:24:40 9 cross-examine?
02:24:45 10 MS. HEWITT: Well, on Wednesday,
02:24:46 11 they may use some of their time
02:24:48 12 with Meadow Park. We're not
02:24:49 13 sure.
02:24:49 14 Meadow Park is an ONA Long-Term
02:24:51 15 Care Facility, but there's
02:24:53 16 nothing in the OR Report that
02:24:54 17 identifies that ONA was involved
02:24:54 18 in anything related to Elizabeth
02:24:58 19 Wettlaufer.
02:24:58 20 But on Wednesday, Ms. Saganesi
02:25:01 21 is being called, was on our
02:25:04 22 witness list, the Commission's
02:25:06 23 witness list. There's potential
02:25:09 24 cross-examination, and ONA
02:25:11 25 brought Jill Allingham on their
02:25:13 26 witness list. So that time,
02:25:16 27 they need time...
02:25:17 28 THE COMMISSIONER: Oh, I see.
02:25:18 29 MS. HEWITT: Yes.
02:25:18 30 THE COMMISSIONER: So
02:25:20 31 Ms. Allingham is actually ONA
02:25:23 32 time or your time?

02:25:27 1 MS. HEWITT: We did not call
02:25:28 2 her. She was not on our witness
02:25:28 3 list; she's on ONA's witness
02:25:30 4 list.
02:25:30 5 THE COMMISSIONER: So I see the
02:25:31 6 issue. And they'll be out of
02:25:33 7 time?
02:25:34 8 MS. HEWITT: Depending upon how
02:25:34 9 succinct Ms. Hughes'
02:25:36 10 cross-examination of
02:25:41 11 Ms. Saganesi, they could be out
02:25:42 12 of time, yes.
02:25:42 13 Now, they do have an Affidavit,
02:25:44 14 but they would be out of time to
02:25:46 15 put the witness through anything
02:25:49 16 in-chief if they used it all on
02:25:52 17 Ms. Saganesi.
02:25:53 18 THE COMMISSIONER: And in terms
02:25:53 19 of your case going in, the
02:25:56 20 evidence for the Commission
02:25:57 21 going in on the Facilities, I
02:26:00 22 know that we didn't sit last
02:26:04 23 Friday. Some did some
02:26:09 24 accommodation there. We could
02:26:10 25 have obviously had Ms. Long in
02:26:13 26 and done, but we needed to
02:26:15 27 accommodate --
02:26:15 28 MS. HEWITT: Yes.
02:26:15 29 THE COMMISSIONER: -- other
02:26:17 30 people who couldn't be here.
02:26:19 31 So where are you at in terms of
02:26:23 32 your witness list and your time?

02:26:24 1 If we add in -- because I was
02:26:26 2 looking at this over the lunch
02:26:28 3 recess, and technically, right
02:26:28 4 now, we are not scheduled to sit
02:26:31 5 on the 29th.
02:26:33 6 So that gives us a tiny bit of
02:26:37 7 wiggle room in terms of getting
02:26:37 8 the Facilities completed by the
02:26:38 9 end of the month.
02:26:40 10 MS. HEWITT: I can tell you
02:26:41 11 that it's very difficult to
02:26:43 12 schedule some of these
02:26:44 13 witnesses, to get them here. We
02:26:46 14 have people going into surgery.
02:26:49 15 We have people on dialysis.
02:26:51 16 We're trying to accommodate
02:26:53 17 everybody, but there are still a
02:26:55 18 lot of witnesses to come in
02:26:57 19 through the Commission. We have
02:26:58 20 been trying to do it by way of
02:27:01 21 Affidavit in order to make sure
02:27:01 22 we get it all before the
02:27:02 23 Commission and before the public
02:27:04 24 and, as much as possible,
02:27:07 25 shortening our time in-chief
02:27:08 26 given that we have an Affidavit,
02:27:11 27 but it's a struggle. We still
02:27:14 28 have a number of witnesses.
02:27:16 29 Now, we have canvassed with
02:27:19 30 counsel the potential for two of
02:27:19 31 those witnesses as to whether
02:27:21 32 they want to cross-examine them,

02:27:21 1 and it may be that two witnesses
02:27:22 2 simply go by way of Affidavit.
02:27:23 3 That will certainly help.
02:27:25 4 So we're all trying to work
02:27:28 5 together to try to get it in
02:27:30 6 front of you, but I'm worried --
02:27:33 7 THE COMMISSIONER: Yes.
02:27:33 8 MS. HEWITT: -- that we'll be
02:27:39 9 able to finish by the Thursday
02:27:41 10 without accommodations in terms
02:27:43 11 of either sitting late or -- oh,
02:27:45 12 and the other thing is we would
02:27:46 13 like to cut our lunch back to
02:27:50 14 the hour because as much as it
02:27:52 15 is nice to go and eat, we all
02:27:55 16 recognize that we need the time.
02:27:57 17 THE COMMISSIONER: All right.
02:27:58 18 Well, happy to go back to one
02:28:00 19 hour, but if there are times
02:28:02 20 when counsel know that if they
02:28:05 21 have a few extra minutes to talk
02:28:07 22 to one another over the lunch
02:28:10 23 recess -- because oftentimes,
02:28:11 24 that saves time -- just ask, and
02:28:13 25 we will extend it --
02:28:15 26 MS. HEWITT: Yes, yes.
02:28:15 27 THE COMMISSIONER: -- by
02:28:15 28 15 minutes or whatever, No. 1.
02:28:17 29 No. 2, happily, our CSO is
02:28:20 30 always able to stay late and so
02:28:23 31 are our court reporters who are
02:28:25 32 really law students in disguise.

02:28:28 1 So if we need to stay late to
02:28:31 2 finish people, witnesses and so
02:28:32 3 on, we will do that.
02:28:33 4 I think I would ask everybody to
02:28:36 5 start thinking about holding the
02:28:38 6 29th. I know it's going into a
02:28:40 7 long weekend; it's a Friday and
02:28:41 8 so on. So at least consider
02:28:44 9 that and see what you can do
02:28:45 10 because we may need to have
02:28:47 11 that.
02:28:48 12 But in light of what you've just
02:28:50 13 told me, I think I have to hear
02:28:51 14 the other motion because it's
02:28:53 15 pretty hard for counsel for the
02:28:54 16 Nurses Association to be able to
02:28:57 17 get ready if they don't know how
02:28:57 18 much time they have.
02:29:01 19 MS. HEWITT: I agree, and I
02:29:01 20 would just request that if we
02:29:03 21 are holding potentially the 29th
02:29:08 22 that people still keep their
02:29:11 23 cross-examinations and
02:29:12 24 examinations in-chief succinct.
02:29:14 25 THE COMMISSIONER: Oh, I don't
02:29:15 26 think you have to worry about
02:29:15 27 that. Not too many people want
02:29:19 28 to face Toronto traffic on a
02:29:22 29 Friday of a long weekend.
02:29:24 30 MS. HEWITT: At least I live in
02:29:24 31 London, so that makes it a
02:29:24 32 little bit easier for me on a

02:29:24 1 Friday.
02:29:24 2 THE COMMISSIONER: So are you
02:29:26 3 asking me to direct you to limit
02:29:27 4 your questioning, Counsel? We
02:29:30 5 can do that.
02:29:31 6 MS. HEWITT: It wouldn't be the
02:29:33 7 first time.
02:29:33 8 THE COMMISSIONER: All right,
02:29:33 9 all right. So let me hear,
02:29:35 10 then, I don't know if it's
02:29:36 11 Ms. Butt or Ms. Hughes who is
02:29:41 12 going to argue this one?
02:29:49 13 MS. HUGHES: Thank you. It'll
02:29:49 14 be me, Ms. Hughes.
02:29:53 15 THE COMMISSIONER: Thank you.
02:29:53 16 So I can just kind of tell you
02:29:53 17 I've had the benefit of reading
02:29:53 18 your Notice of Motion, so...
02:29:54 19 MS. HUGHES: Yes. Thank you,
02:29:54 20 Madam Commissioner, so I won't
02:29:56 21 repeat all of that. And I think
02:29:58 22 you understand why we're rising
02:29:59 23 at this time to ask because we
02:30:02 24 don't want to wait for the time
02:30:04 25 to completely run out and then
02:30:07 26 come forward and ask.
02:30:08 27 And of course this is a matter
02:30:11 28 that is discretionary to you
02:30:14 29 with respect to your powers and
02:30:16 30 of course the power of the
02:30:18 31 Commissioner under the Public
02:30:18 32 Inquiries Act gives you

02:30:22 1 discretion with respect to
02:30:25 2 timelines and rules.
02:30:26 3 And as you know, prior to this
02:30:27 4 Hearing proceeding, the Parties
02:30:27 5 were allotted time. And it was
02:30:31 6 allotted -- it was, you know, a
02:30:32 7 guesstimate in terms of how much
02:30:35 8 each Party would need for each
02:30:37 9 part of the various proceedings.
02:30:39 10 And ONA was allotted five hours,
02:30:41 11 and we were given that time
02:30:48 12 beforehand on the Facilities.
02:30:52 13 But we didn't know, and as I've
02:30:53 14 set out in here, we didn't quite
02:30:53 15 know how some of the issues
02:30:53 16 would take up more of the
02:30:54 17 Hearing time than others, and
02:30:55 18 I'm not going to repeat
02:30:55 19 everything I've set out in
02:30:58 20 there.
02:30:59 21 Now, you may think maybe we
02:31:02 22 should have known or we
02:31:03 23 shouldn't have known or we
02:31:03 24 should have raised it
02:31:05 25 beforehand, but the truth is
02:31:06 26 that we didn't know that there
02:31:07 27 would be a number of things, as
02:31:08 28 I've set out in here, that spent
02:31:11 29 a lot of time, a lot of focus on
02:31:15 30 not just the settlement but the
02:31:18 31 grievance process.
02:31:19 32 And so we're now here before you

02:31:22 1 where there is an issue. We're
02:31:23 2 going to have Ms. Saganesi who's
02:31:24 3 going to be giving evidence
02:31:28 4 about her discussions with the
02:31:29 5 ONA rep and the settlement of
02:31:31 6 the grievance and a variety of
02:31:33 7 things about various other
02:31:36 8 matters that are relevant to
02:31:38 9 ONA, and that we would like the
02:31:41 10 opportunity to both
02:31:42 11 cross-examine her and to put in
02:31:44 12 Jill Allingham, who was the ONA
02:31:49 13 rep out of the London office who
02:31:52 14 dealt with Ms. Saganesi, the
02:31:55 15 issue of the five-day, and the
02:32:00 16 termination grievance.
02:32:01 17 And so we are asking that,
02:32:03 18 before our time runs out, we
02:32:06 19 have the discretion if necessary
02:32:09 20 to have some additional time.
02:32:12 21 And I can tell you with respect
02:32:14 22 to our Notice of Motion, the
02:32:17 23 motion had two aspects of it.
02:32:17 24 The second aspect, Ms. Jones has
02:32:17 25 clarified with all the Parties
02:32:17 26 at our lunch meeting of counsel
02:32:18 27 with respect to how time is
02:32:25 28 calculated on objections, so we
02:32:27 29 need not go into that.
02:32:28 30 So we're left with the issue
02:32:30 31 of -- we are requesting that you
02:32:33 32 exercise your discretion and

02:32:36 1 allow ONA a little additional
02:32:39 2 time. We're asking for
02:32:40 3 90 minutes, and we're asking for
02:32:43 4 90 minutes if necessary. We're
02:32:46 5 not saying that we'll absolutely
02:32:48 6 use those.
02:32:51 7 But our concerns are twofold:
02:32:54 8 One is with respect to a
02:32:54 9 witness, Ms. Saganesi, who's
02:32:55 10 clearly relevant to the ONA
02:32:55 11 matter and that we are now
02:32:55 12 putting in -- have to put in a
02:32:57 13 reply witness, Jill Allingham,
02:33:00 14 to deal with this issue.
02:33:02 15 And we are putting it in by way
02:33:05 16 of on Affidavit, Madam
02:33:08 17 Commissioner, to try to reduce
02:33:09 18 the time.
02:33:10 19 The Affidavit has been sent to
02:33:11 20 the Parties today, and so we're
02:33:15 21 hoping that that will reduce the
02:33:17 22 time that will be required for
02:33:19 23 ONA.
02:33:20 24 And moreover, I can tell you, in
02:33:23 25 terms of the calculations which
02:33:24 26 I put was just -- you know, it's
02:33:26 27 an estimate at the beginning how
02:33:29 28 much each Party is going to
02:33:29 29 require.
02:33:30 30 And I would submit to you that
02:33:32 31 in fairness of all this process
02:33:34 32 that there has to be some leeway

02:33:36 1 for give and take.
02:33:38 2 For example, I don't think that
02:33:40 3 ONA is going to be using all of
02:33:42 4 its time for the Coroner portion
02:33:44 5 of this matter, which we've been
02:33:47 6 allocated two hours, whereas we
02:33:52 7 do have a significant interest
02:33:55 8 and there's been significant
02:33:55 9 focus on ONA and Union matters
02:33:56 10 in the Facilities portion.
02:33:58 11 And so we would like to use our
02:34:02 12 bank account and pull it into
02:34:03 13 the Facilities where, really,
02:34:08 14 that is the issue for ONA, and
02:34:10 15 that's the issue where matters
02:34:12 16 have been focusing on ONA and
02:34:16 17 Union.
02:34:17 18 So if I could say that -- I
02:34:19 19 would hope that there is for
02:34:21 20 other Parties as well, there may
02:34:23 21 similar down the road where
02:34:25 22 Parties are going to need more
02:34:26 23 time or may require less time
02:34:29 24 depending on what portion you're
02:34:30 25 at.
02:34:30 26 And I'm sorry that I didn't
02:34:33 27 raise it before the whole
02:34:35 28 Hearing began, but quite
02:34:37 29 frankly, we didn't quite know
02:34:38 30 how things would unfold. And as
02:34:40 31 it's unfolded, it looks like
02:34:43 32 ONA's going to need a little bit

02:34:44 1 more time in the Facilities
02:34:46 2 portion of that.
02:34:47 3 THE COMMISSIONER: Thank you.
02:34:48 4 So have I heard from you,
02:34:51 5 Commission Counsel, on this
02:34:52 6 already or...?
02:34:53 7 MS. HEWITT: No. I disagree
02:34:54 8 with Ms. Hughes that all the
02:34:58 9 time that we have today has been
02:34:58 10 allocated. Every hour that we
02:35:02 11 have has been allocated, so that
02:35:04 12 time may be additional time that
02:35:07 13 would be added on to the
02:35:10 14 Inquiry's days, et cetera.
02:35:12 15 THE COMMISSIONER: All right,
02:35:13 16 thank you.
02:35:18 17 MS. HEWITT: Mr. Golden?
02:35:19 18 THE COMMISSIONER: Mr. Golden,
02:35:19 19 yes.
02:35:21 20 MR. GOLDEN: Thank you. Thank
02:35:22 21 you, Commissioner. I really
02:35:24 22 don't object lightly, and I
02:35:25 23 really thought about it before I
02:35:27 24 chose to stand and object. But
02:35:30 25 the reason why I do object is
02:35:31 26 because these time limits were
02:35:34 27 not set lightly.
02:35:38 28 And ONA was allocated five hours
02:35:41 29 of time as compared with, for
02:35:44 30 example, the Ministry, which was
02:35:48 31 also given five hours of time,
02:35:51 32 Families given nine hours, and

02:35:53 1 their role is really -- compared
02:35:56 2 to Facilities, compared to the
02:36:00 3 Families, compared to the
02:36:02 4 Ministry -- far, far smaller.
02:36:07 5 And as I understand the concern
02:36:09 6 of ONA, it has to do with
02:36:12 7 wanting more time to examine
02:36:15 8 Ms. Saganesi and then introduce
02:36:18 9 evidence from Jill Allingham on
02:36:21 10 an issue where a dispute over
02:36:25 11 the evidence from Jill and Wanda
02:36:27 12 on this issue was flagged early
02:36:30 13 on in the stage of the drafting
02:36:34 14 of the Overview Reports.
02:36:35 15 Because part of the transparency
02:36:37 16 of this process was that we had
02:36:39 17 a lot of time to review the
02:36:41 18 Overview Reports, every Party
02:36:43 19 then had an opportunity to
02:36:46 20 submit what they felt needed to
02:36:48 21 be changed or added to.
02:36:50 22 And, in fact, there were
02:36:51 23 specific objections raised even
02:36:54 24 at the drafting of the Overview
02:36:55 25 Report stage by ONA on a
02:36:59 26 disagreement regarding who said
02:36:59 27 what and what their role was
02:36:59 28 between Wanda and Jill in
02:37:04 29 negotiating the settlement and
02:37:05 30 the reference letter, and that
02:37:07 31 was all done -- it was all known
02:37:11 32 upfront.

02:37:12 1 And, in fact, because of that,
02:37:14 2 ONA had proposed that it would
02:37:16 3 be calling Jill Allingham as a
02:37:19 4 witness to address a dispute
02:37:22 5 from the Overview Report, which
02:37:24 6 they objected to, and it was
02:37:24 7 always known that Wanda was
02:37:24 8 going to be called to deal with
02:37:26 9 grievances and the labour
02:37:29 10 arbitration scene between
02:37:30 11 Caressant and the Union and the
02:37:34 12 specifics of the Wettlaufer
02:37:36 13 grievances and labour relations
02:37:40 14 issues.
02:37:41 15 So this was all known; it was
02:37:43 16 known even at the report
02:37:45 17 drafting stage, and it was known
02:37:47 18 when we started.
02:37:48 19 And then this request for
02:37:50 20 additional time did not come up
02:37:54 21 until after all the key
02:37:56 22 witnesses were examined.
02:37:58 23 And frankly, the Parties -- and
02:38:00 24 there's many lawyers here -- all
02:38:02 25 had to take careful
02:38:04 26 consideration of how they were
02:38:04 27 going to be using their precious
02:38:07 28 time when they were examining
02:38:09 29 Helen and Brenda and Karen and
02:38:13 30 Agatha and Brenda Black and all
02:38:15 31 these witnesses.
02:38:16 32 So in fairness to the integrity

02:38:18 1 of the process, I really felt a
02:38:20 2 lot of thought and time had gone
02:38:23 3 into the setting of these time
02:38:27 4 limits, and then for one Party
02:38:29 5 to say "I want more time"
02:38:30 6 specifically for an issue that
02:38:31 7 had been flagged and on the
02:38:33 8 table before the very first
02:38:35 9 witness even started, I don't
02:38:37 10 think that that's appropriate.
02:38:39 11 It would set a precedent, and
02:38:42 12 it's unfair to the other counsel
02:38:44 13 who would say, well, gee, if I
02:38:51 14 knew that I could just ask for
02:38:53 15 more time, I would have spent
02:38:53 16 another 15 minutes with Brenda,
02:38:53 17 with Helen, with any number of
02:38:53 18 these witnesses.
02:38:53 19 And frankly, Ms. Hughes did not
02:38:56 20 go through the Notice of Motion
02:39:00 21 in any detail, but a number of
02:39:01 22 the issues raised have to deal
02:39:04 23 with objections that were some
02:39:06 24 sustained, some not, but they
02:39:08 25 were dealt with in a matter of
02:39:10 26 minutes. Literally, literally
02:39:11 27 minutes.
02:39:12 28 So that's why I do have a
02:39:13 29 problem with it. I think that
02:39:14 30 we all have to use our time
02:39:16 31 sparingly.
02:39:18 32 And as an example, ONA used

02:39:20 1 29 minutes with Lifeguard, with
02:39:25 2 Heidi Wilmot-Smith when ONA
02:39:29 3 didn't even represent the nurses
02:39:31 4 in that facility. That was a
02:39:33 5 choice, and we all make choices
02:39:35 6 for how we're going to use our
02:39:37 7 time.
02:39:38 8 So I think to say I want more
02:39:38 9 time to address an issue that
02:39:38 10 was flagged going back to the
02:39:42 11 Overview Reports and say I want
02:39:43 12 30 percent more time to address
02:39:46 13 an issue that had already been
02:39:49 14 flagged -- because they're
02:39:50 15 asking for 90 minutes; that's a
02:39:52 16 30 percent increase over the
02:39:55 17 allocated time.
02:39:58 18 If everyone said, well, gee, you
02:40:02 19 know, I have an issue that I
02:40:02 20 want to explore further, I want
02:40:03 21 30 percent more time, this
02:40:06 22 Inquiry would never conclude.
02:40:08 23 So those are my thoughts on it.
02:40:10 24 THE COMMISSIONER: Thank you.
02:40:10 25 MS. HEWITT: Ms. Corrente for
02:40:11 26 Meadow Park.
02:40:17 27 MS. CORRENTE: Good afternoon,
02:40:17 28 Madam Commissioner. I just have
02:40:21 29 a few remarks.
02:40:21 30 I too read the Notice of Motion,
02:40:25 31 and there's been some suggestion
02:40:26 32 that there were unexpected

02:40:26 1 events in terms of how things
02:40:27 2 unfolded, and I don't share
02:40:29 3 Ms. Hughes' view.
02:40:32 4 From my perspective, having read
02:40:34 5 the Draft Overview Reports,
02:40:35 6 participated in making changes
02:40:38 7 to them, reviewing the final
02:40:39 8 Overview Reports, it was quite
02:40:40 9 clear that there were going to
02:40:41 10 be issues of discipline and
02:40:44 11 grievances and terminations that
02:40:45 12 were negotiated with Caressant
02:40:49 13 Care, for example; Jarlette, for
02:40:49 14 example as between ONA and the
02:40:55 15 Facilities.
02:40:55 16 So these, in my respectful view,
02:40:56 17 were issues that could have and
02:40:56 18 should have been anticipated by
02:41:00 19 ONA and certainly addressed
02:41:01 20 within the five hours that
02:41:03 21 they've been allotted.
02:41:05 22 Mr. Golden made a point of
02:41:07 23 saying that we choose how to
02:41:10 24 spend our time and, in fact,
02:41:11 25 based on some of my observations
02:41:11 26 while sitting here, I see that
02:41:12 27 many of these Participants have
02:41:14 28 been mindful of their time
02:41:17 29 limits.
02:41:17 30 And they've either decided to
02:41:20 31 cut their examination short or
02:41:21 32 decided not to examine a witness

02:41:23 1 at all in order to be respectful
02:41:25 2 of the time that's been allotted
02:41:28 3 for them and to manage it
02:41:31 4 responsibly.
02:41:31 5 And I believe that ONA should be
02:41:36 6 held to that same level of
02:41:38 7 responsibility.
02:41:39 8 Ms. Hughes had mentioned that
02:41:39 9 this is not without precedent;
02:41:39 10 the Facilities had been granted
02:41:40 11 additional time by way of a
02:41:42 12 motion.
02:41:42 13 And you heard that motion, so
02:41:45 14 I'm sure, as you would recall,
02:41:47 15 that motion was brought before
02:41:48 16 these Public Hearings commenced,
02:41:51 17 and we determined that we might
02:41:54 18 need additional time after
02:41:55 19 having reviewed the Overview
02:41:57 20 Reports and pointed out a number
02:41:58 21 of items that we disputed. And
02:42:01 22 the additional time was allotted
02:42:03 23 to us in an effort to resolve
02:42:05 24 the motion.
02:42:06 25 And I'll remind you that we had
02:42:10 26 an additional 3 hours allotted,
02:42:13 27 so it went from 9 hours to 12
02:42:13 28 hours amongst the three
02:42:13 29 Facilities, and that would bring
02:42:13 30 us to about 4 hours each, which
02:42:16 31 is still an hour less than the
02:42:18 32 time that ONA has been allotted.

02:42:21 1 We went from 9 hours to 12 hours
02:42:23 2 because we attempted to resolve
02:42:27 3 that motion. We did so, and we
02:42:30 4 asked for that time based on
02:42:32 5 issues that we were able to
02:42:33 6 anticipate from the Overview
02:42:37 7 Reports.
02:42:37 8 And ONA should have gone through
02:42:39 9 that same exercise, carefully
02:42:39 10 scrutinizing the Overview
02:42:39 11 Reports and anticipating the
02:42:39 12 issues that they would need to
02:42:39 13 address.
02:42:39 14 And had they done so, in my
02:42:46 15 respectful view, there would
02:42:49 16 have not been anything that was
02:42:50 17 unexpected to have unfolded from
02:42:53 18 the witnesses that have been
02:42:55 19 called.
02:42:55 20 I also want to remind you, Madam
02:42:58 21 Commissioner, that when we asked
02:42:59 22 for additional time and we were
02:43:00 23 given the additional three
02:43:02 24 hours, there were parameters
02:43:05 25 placed on that. At least,
02:43:06 26 that's my understanding.
02:43:07 27 So those three hours cannot be
02:43:10 28 used at the Facility's
02:43:14 29 discretion to examine the
02:43:16 30 witnesses as they choose.
02:43:17 31 We had agreed that the
02:43:17 32 parameters would be that we

02:43:17 1 would use that additional half
02:43:19 2 day if we needed to address some
02:43:22 3 of the disputed items in the
02:43:25 4 Overview Reports.
02:43:25 5 We certainly are not free, based
02:43:28 6 on my recollection of the
02:43:30 7 agreement, to use that time as
02:43:31 8 we see fit.
02:43:33 9 And to the extent that you're
02:43:36 10 inclined to grant ONA any
02:43:38 11 additional time, my submission
02:43:40 12 would be that parameters also be
02:43:43 13 placed on the time allotted to
02:43:44 14 them in terms of identifying how
02:43:44 15 much of it they would intend to
02:43:45 16 use for their own witness on the
02:43:48 17 cross-examination of
02:43:49 18 Ms. Saganesi as well as on the
02:43:52 19 examinations of the Meadow Park
02:43:53 20 witnesses.
02:43:55 21 In regard to Meadow Park, as you
02:43:58 22 have been told, Ms. Wettlaufer
02:44:01 23 was a member of the ONA
02:44:03 24 Bargaining Unit. She was
02:44:05 25 employed at Meadow Park for
02:44:06 26 about five months, and she
02:44:10 27 resigned. There was not a
02:44:11 28 termination of employment.
02:44:11 29 There was no discipline issued
02:44:11 30 during her time there, certainly
02:44:14 31 no grievances filed during her
02:44:17 32 time there.

02:44:17 1 There is nothing in the Overview
02:44:19 2 Report relating to ONA or in any
02:44:22 3 way calling into question its
02:44:25 4 conduct.
02:44:25 5 I've taken a look at the
02:44:26 6 Affidavit filed by
02:44:27 7 Ms. Allingham. I've not seen
02:44:29 8 anything in that which
02:44:31 9 references Meadow Park or the
02:44:33 10 Meadow Park witnesses.
02:44:35 11 So I can't imagine what, if any,
02:44:40 12 questions the Union would have
02:44:42 13 of the Meadow Park witnesses in
02:44:42 14 respect of Union matters which
02:44:45 15 really didn't come up during the
02:44:47 16 term of Ms. Wettlaufer's
02:44:49 17 employment.
02:44:49 18 And so I guess what I'm
02:44:51 19 concerned about as well is
02:44:52 20 really going beyond the scope of
02:44:54 21 the mandate of this Inquiry, and
02:44:57 22 to the extent that additional
02:44:57 23 time is granted, then again, it
02:44:58 24 would be my respectful
02:44:59 25 suggestion that we certainly
02:45:01 26 stay within scope in terms of
02:45:03 27 the events and not exploring
02:45:06 28 other issues to further a
02:45:09 29 different agenda.
02:45:10 30 THE COMMISSIONER: Ms. Corrente,
02:45:12 31 I hesitate to interrupt you, but
02:45:15 32 I'm just looking at my ruling,

02:45:17 1 and I understand your comments
02:45:19 2 to be directed at if I do give
02:45:21 3 them extra time, that I put
02:45:25 4 parameters around it.
02:45:25 5 I don't see in my ruling that
02:45:28 6 I've done that. Have you got it
02:45:30 7 with you?
02:45:32 8 MS. CORRENTE: I don't have it
02:45:32 9 in front of me, and it may very
02:45:32 10 well be that you didn't, but
02:45:37 11 certainly in our discussions --
02:45:37 12 and maybe it was an informal
02:45:37 13 agreement, and Ms. Hewitt could
02:45:37 14 correct me if I'm wrong -- but
02:45:40 15 there was an agreement that we
02:45:42 16 would use that time only as
02:45:43 17 needed for the purposes of
02:45:45 18 raising the disputed items in
02:45:47 19 the Overview Reports should they
02:45:50 20 arise and should we need to call
02:45:54 21 a witness in that respect or
02:45:59 22 examine in that respect.
02:46:00 23 THE COMMISSIONER: So you may
02:46:01 24 have had that agreement between
02:46:03 25 yourselves. It is not part of
02:46:03 26 my ruling. I'm just reading it
02:46:03 27 again, and:
02:46:03 28 "The Facilities would be
02:46:03 29 allotted an additional 3 hours
02:46:05 30 of time, bringing the
02:46:06 31 Facilities' total time allotment
02:46:10 32 to 12 hours."

02:46:10 1 But I did specify that it would
02:46:11 2 not be at the expense of other
02:46:11 3 Participants, but I didn't
02:46:16 4 circumscribe its use.
02:46:19 5 MS. CORRENTE: Fair enough.
02:46:19 6 THE COMMISSIONER: Thank you.
02:46:19 7 MS. CORRENTE: That's all I
02:46:20 8 wanted to submit, and thank you.
02:46:22 9 THE COMMISSIONER: Thank you
02:46:22 10 very much, Ms. Corrente. Was
02:46:29 11 there any other Participant who
02:46:31 12 wanted to make submissions on
02:46:39 13 this motion?
02:46:39 14 MS. HEWITT: OARC.
02:46:39 15 MS. FRASER: Madam Commissioner,
02:46:39 16 OARC supports ONA's request. We
02:46:44 17 understand that it will put a
02:46:46 18 further burden on you and the
02:46:48 19 Parties, but we think that the
02:46:50 20 overriding principles of
02:46:52 21 thoroughness and fairness really
02:46:57 22 should be primary
02:47:00 23 considerations.
02:47:01 24 As a Participant who has no sort
02:47:08 25 of organizational capacity in
02:47:10 26 terms of -- there's no Overview
02:47:13 27 Report on behalf of our
02:47:15 28 organization.
02:47:16 29 I see things a little bit
02:47:18 30 differently just in the sense
02:47:18 31 that the Participants who have
02:47:20 32 Facilities' Report, the

02:47:22 1 Ministry, the Coroner's Report,
02:47:24 2 they're in a bit of a different
02:47:27 3 position in terms of how they
02:47:28 4 can get their position forward.
02:47:30 5 So I do think that it may be
02:47:33 6 comparing apples and oranges
02:47:36 7 when you compare Ontario Nurses
02:47:38 8 Association with how the
02:47:41 9 Ministry of Health has used
02:47:42 10 their time.
02:47:42 11 Everybody's different, so I
02:47:43 12 don't necessarily think that
02:47:43 13 that is the yardstick by which
02:47:48 14 you should measure it.
02:47:51 15 And I do note that from the
02:47:53 16 residents' perspective, the
02:47:54 17 positions of both management and
02:47:57 18 the labour organization are both
02:48:01 19 important.
02:48:01 20 The management witnesses have
02:48:04 21 primarily be called by
02:48:07 22 Commission Counsel. Commission
02:48:08 23 Counsel isn't intending on
02:48:10 24 calling the Labour Relations
02:48:11 25 Officer; it is going to come
02:48:14 26 from ONA's time.
02:48:16 27 And I think that that ought to
02:48:18 28 bear on your considerations
02:48:19 29 because we do think that that is
02:48:24 30 relevant evidence.
02:48:24 31 And I appreciate all the hard
02:48:26 32 work your counsel has done in

02:48:29 1 terms of putting her case
02:48:29 2 together and the Commission
02:48:31 3 Counsel. And I say that without
02:48:33 4 being critical because we are
02:48:36 5 greatly admiring the work that
02:48:38 6 your counsel is doing.
02:48:40 7 But I do think that that
02:48:42 8 evidence should come forward,
02:48:44 9 and that ought to be reflected
02:48:46 10 in terms of the time allocation
02:48:47 11 to ONA.
02:48:48 12 I wish we could give up some of
02:48:50 13 our time, but I think we're not
02:48:53 14 certain where we're going to end
02:48:54 15 up going either. So it may be
02:48:57 16 that we'd have extra time at the
02:48:59 17 end, but I can't say that now;
02:49:02 18 otherwise, we would be inclined
02:49:04 19 to do that.
02:49:05 20 But I do note that some of the
02:49:09 21 Participants still have generous
02:49:11 22 amounts of time. And I don't
02:49:12 23 know whether they intend to use
02:49:14 24 it or not, obviously, but
02:49:17 25 really, we're supportive of ONA
02:49:19 26 having time so that you can get
02:49:22 27 everything before you that you
02:49:23 28 need to get before you and that
02:49:25 29 the Parties feel that they've
02:49:27 30 done their service to their
02:49:30 31 clients.
02:49:30 32 MS. HEWITT: Just a couple of

02:49:31 1 comments, and thanks to
02:49:33 2 Ms. Fraser for that. Just so
02:49:35 3 that you're clear, Ms. Allingham
02:49:38 4 was never on Commission
02:49:39 5 Counsel's list; she was always
02:49:39 6 on ONA's list to call as a
02:49:39 7 witness.
02:49:40 8 The other thing is, you should
02:49:42 9 know how much time ONA has left:
02:49:45 10 That's 53 minutes. I'm not sure
02:49:47 11 that we had put that to you.
02:49:50 12 And just in terms of
02:49:51 13 Ms. Corrente, when we had agreed
02:49:57 14 to resolve that situation, it
02:50:00 15 was on the basis that -- don't
02:50:02 16 take this and run with it if you
02:50:04 17 don't need to.
02:50:05 18 You know, they wanted the extra
02:50:07 19 time for a reason, and if they
02:50:09 20 didn't need to use that extra
02:50:10 21 time for that reason, then
02:50:11 22 please don't, just so that we
02:50:13 23 could deal with issues that
02:50:13 24 arise and delay everything.
02:50:16 25 THE COMMISSIONER: All right,
02:50:16 26 thank you.
02:50:18 27 MS. BINHAMMER: Madam
02:50:18 28 Commissioner, I'll just indicate
02:50:18 29 briefly that the RNAO also
02:50:24 30 supports ONA's motion.
02:50:25 31 THE COMMISSIONER: Thank you.
02:50:26 32 All right. Well, thank you so

02:50:32 1 much. And firstly, let me
02:50:35 2 commend all counsel on
02:50:37 3 everything that you have done so
02:50:40 4 far. You are really prompt, you
02:50:42 5 are very helpful, you're
02:50:44 6 cooperative, and you're still
02:50:45 7 doing a good service not only
02:50:47 8 for us and the public but also
02:50:49 9 your clients.
02:50:50 10 So I recognize that, and I'm
02:50:52 11 sure that anybody who watches
02:50:54 12 the webcast or is in the room
02:50:57 13 knows that and appreciates that.
02:50:59 14 So let me begin with that note
02:51:01 15 of thanks.
02:51:02 16 And that segues right into my
02:51:02 17 ruling on this: I am going to
02:51:06 18 rule in favour of ONA's request
02:51:08 19 for the extra time. It's
02:51:12 20 90 minutes. I know that we have
02:51:14 21 a very strict time agenda.
02:51:17 22 At the same time, we have to
02:51:20 23 recognize that sometimes issues
02:51:23 24 within a Public Inquiry get more
02:51:28 25 attention or focus whether here
02:51:30 26 or outside the courtroom, and
02:51:32 27 that's part of a Public Inquiry
02:51:36 28 too.
02:51:36 29 We have to be sure that, in
02:51:38 30 fairness to everyone, a balanced
02:51:40 31 perspective is there. And in my
02:51:42 32 view, allowing this extra time

02:51:45 1 in part recognizes the fact that
02:51:48 2 labour issues have taken on
02:51:50 3 something of a bigger life than
02:51:53 4 might have been reasonably
02:51:55 5 anticipated.
02:51:57 6 So in the interest of
02:51:59 7 transparency, and I also think
02:52:00 8 it's more -- it's transparency,
02:52:02 9 it's fairness; I also think that
02:52:06 10 given how things have unfolded
02:52:08 11 to this point, having a little
02:52:10 12 extra time may take some of the
02:52:13 13 stress off people as they're
02:52:15 14 posing questions and so on.
02:52:18 15 And that too is something, I
02:52:19 16 think, that can be of
02:52:23 17 assistance, particularly with
02:52:24 18 some of the issues that we have
02:52:26 19 to deal with.
02:52:27 20 So with that, I will allow the
02:52:29 21 extra 90 minutes. And I
02:52:32 22 appreciate that the Facilities'
02:52:34 23 evidence does have to get in by
02:52:37 24 the end of June. We have no
02:52:39 25 choice, folks, and that puts a
02:52:41 26 lot of stress on our counsel,
02:52:43 27 Commission Counsel.
02:52:43 28 I apologize for that, but I
02:52:44 29 think that that's unfortunately
02:52:45 30 the net result, and we will
02:52:48 31 certainly look at staying later,
02:52:50 32 shorter recesses, or staying on

02:52:53 1 the 29th.
02:52:54 2 So with that, unless you have
02:52:56 3 that Affidavit for my reading
02:52:58 4 pleasure tonight...?
02:53:01 5 MS. HEWITT: I think we should
02:53:02 6 have two of them.
02:53:06 7 THE CLERK: I have one --
02:53:06 8 MS. HEWITT: Oh, no, no.
02:53:08 9 That's not the one.
02:53:09 10 THE CLERK: Okay.
02:53:09 11 MS. HEWITT: We'll bring it.
02:53:09 12 They're downstairs.
02:53:10 13 THE COMMISSIONER: Okay.
02:53:10 14 MS. HEWITT: But they're ready
02:53:11 15 for you.
02:53:11 16 THE COMMISSIONER: All right.
02:53:12 17 So I think the CSO would be able
02:53:15 18 to bring me up anything that I
02:53:16 19 could usefully read for
02:53:19 20 tomorrow.
02:53:19 21 MS. HEWITT: Yes, yes.
02:53:19 22 THE COMMISSIONER: So again, my
02:53:20 23 thanks to everyone for all your
02:53:21 24 cooperation and work today.
02:53:46 25

26 -- Adjourned at 2:53 p.m.
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REPORTER'S CERTIFICATE

We, HELEN MARTINEAU, CSR,
Certified Shorthand Reporter, and OLIVIA
ARNAUD, CSR, Certified Shorthand Reporter,
certify;

That the foregoing proceedings
were taken before us at the time and place
therein set forth;

That the testimony of the witness
and all objections made at the time of the
examination were recorded stenographically
by us and were thereafter transcribed;

That the foregoing is a true and
accurate transcript of our shorthand notes
so taken. Dated this 18th day of June,
2018.



NEESONS COURT REPORTING INC.
PER: HELEN MARTINEAU, CSR
& OLIVIA ARNAUD, CSR

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