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Minister Papatello Calls For Action

The Honorable Sandra Papatello called for action in her address to the 2005 OASIS conference participants.

In sharing information on the Ministry's next steps in their plan to transform developmental services, the Minister noted that the key to a quality system is that individuals have their own plans. The Ministry is considering a more streamlined approach to assessment that is also consistent and fair. Needs can then be prioritized and investments made according to need.

A more consistent, more streamlined assessment approach will improve the way access to services are prioritized. By making the access to the system less complicated, the Minister envisages one door that leads to all information and services.

Fairness and equity in the way services and clients are funded are important elements of an access system.

Funds also need to be applied more effectively and equitably across the system in a coordinated manner from all sources.

Flexible funding approaches are also being considered. The Minister acknowledged that her Ministry is aware that agencies have concerns about moving to a more direct funding approach due to concerns about financial stability and quality in service provision.

The Minister also noted that Ontario is encouraging the federal government to assume responsibility for providing a national income support program for individuals with disabilities. More provincial funds would then be available for supports at the local level.



Honorable Sandra Papatello,
Minister of
Community and
Social Services

The Minister also highlighted the need for specialized services such as links to important research and training for specialized professionals, staff and families.

Most importantly, Minister Papatello called all to action. She encouraged agencies to share their support stories with families that may be unfamiliar with community supports.

In addition, the Minister asked for help to call upon the federal government to create a National Disability Support Program in order to free up provincial funds to invest in additional community supports.

President's Message

At the outset, permit me to express on your behalf our appreciation to the organizing committee for planning an excellent and very entertaining annual conference and AGM.

Prior to starting this message, I reviewed my remarks of exactly one year ago. How much has changed? We know more about individualized funding but it is unclear as to how it may be implemented. Issues such as needs assessment, fairness, greater choice of services and portability of funding, while preserving stability in agency programs, remain unresolved questions at this point. It does seem clear that the Sector will move to provide families with more choice and control in planning the lives of their children.

The funding announcement of May 18th regarding the Community Networks of Specialized Services and a 3 year recruitment program of specialist professionals provides the first evidence of one component in the evolution to a transformed status for the sector.

The Partnership Table (PT) continues to meet. It is expected that the policy folks will be working to draw the policy threads together to fill in some elements of the DS Transformation Plan. While the timetable for public consultation is still very fuzzy; I think it is fair to predict that late autumn to early winter would represent an achievable target for the Ministry.

The OASIS Board of Directors welcomes Judy Reid from Niagara Training & Employment Agency and Niagara Support Services as our newest member. She replaces Helen Havlik, who retired at this year's AGM, as the last remaining original OASIS board member. Helen went out with a bang by being selected as the recipient of the Annie Oliver award for 2005. Helen has given wonderful service over many years; we wish her well as she returns to her nursing roots. We are reliably informed that she has been recruited to help save the local hospital.

George Braithwaite, OASIS President

Upcoming OASIS Board Meetings

June 28,29/05
Brockville

Sept.
27,28/05
St.
Catherine's

Nov. 9,10/05
Toronto

Jan. 18,19/06
Toronto

Mar. 22,23/06
Toronto

May 2,3/06
Pre-AGM
Grand Bend

2005/2006 OASIS BOARD OF DIRECTORS (AND OFFICERS)

All
Invited
To Attend

PRESIDENT	George Braithwaite	OAPDD
PAST-PRESIDENT	Paul Wilson	Community Living Brant
VICE-PRESIDENT, Volunteers	Gerald Sutton	Community Living Oakville
VICE-PRESIDENT, Executive Directors	Sherry Kerr	Aldaview Services
TREASURER	John Bedell	Community Living North Halton
SECRETARY	Ann Kenney	Community Living South Muskoka
DIRECTOR AT LARGE	Brian Young	Simcoe Community Services
Director	Doug Anderson	Ottawa Carleton Lifeskills Inc.
Director	Molly Croke	Community Living Toronto
Director	Brian Dunne	Participation House Support Services London & Area
Director	Mike Humes	Brockville & Area Community Living Association
Director	Denis McClelland	Elgin Association for Community Living
Director	Judy Reid	Niagara Training & Employment Agency and Niagara Support Services
Director	Dick Todd	Middlesex Community Living

Judy Reid Joins OASIS Board

Judy Reid was welcomed to the OASIS Board of Directors at the 2005 AGM held in Halton Region. Judy brings with her a wealth of governance experience.



Ms. Judith K. Reid

Reid joined the Board of Directors of Niagara Support Services (NSS) on June 16, 1999, and has served as President since 2002. In keeping with the Alliance created in 1997 with Niagara Training & Employment Agency (NTEC), Judy joined the NTEC Board of Trustees on September 15, 1999. She has served as Chair of the Joint Board Alliance Committee of NSS and NTEC since May 2001.

Presently residing in Ridgville, Ontario, Judy is a lifelong resident of the Niagara Peninsula. After 30 years as an educator with the District School Board of Niagara, Judy retired in 1998. A number of these years were spent in Special Education at the secondary level, and as a Project Coordinator for adult daytime, evening and project-based training programs.

Judy continues her interest in education working with the Business Education Council of Niagara as Manager, Labour Force Development and Early Years Niagara. Judy's community participation includes being President of Adolescent's Family and Support Services of Niagara.

Salary Survey Scheduled

OASIS Board of Directors have agreed to support another salary survey. The next salary survey will be scheduled for circulation in late 2006, with the data being available for agencies in early 2007. The decision of the Board of Directors is based on the positive feedback received from members.

The salary survey committee will pursue the possibility of a partnership prior to the next survey.

OASIS Business Resource Committee

The business resource committee within OASIS have established that they will focus on MCSS relationships including general business matters and service contracts. The group will also focus on general business practices, policy development and act as a resource centre on business related issues within OASIS.

To connect to the business resource committee within OASIS contact John Bedell at Community Living North Halton or Barb Feyko at Community Living Oshawa/Clarington.

OASIS News

The Labour Relations Committee will host another session on provincial bargaining trends in the fall of 2005.

Interested in becoming a member of an OASIS committee or a future Board member - contact Molly Croke, OASIS Board Member.

Provincial Network

Last meeting of the Provincial Network focused on the "Beyond Numbers" report and the issues facing the sector identified in it.

Working Together - 2005 OASIS Conference Highlights

Jackson also suggested creating occasions to bring the MPP to your programs, not just for social functions.

The purpose of this endeavour is to create intimacy so that the MPP will view and internalize the issue.

How one connects to the MPP is also very important to building relationships.

Working With Your Local MPP

Cam Jackson, MPP for Burlington, suggested a number of simple approaches to build relationships with your MPP at the 2005 OASIS conference.

It is Mr. Jackson's view that relationships with MPPs need to be built quickly as the developmental services sector is not on the government's radar screen, with other issues overshadowing the needs of the sector. For instance, he noted that the wage issue in the developmental services sector has a very low profile generally amongst MPPs. Others such as teachers, doctors, and nurses have raised this issue successfully in their sector. Without raising our profile and building relationships, the issues that are important to the future of the sector will be left out of public policy.

To build relationships, Jackson emphasized that personal contact is imperative. To build personal contact start by scanning your organization's membership lists for links - look for those that may be a member of a political party, consider those who displayed a lawn sign in the last election. Individuals in these categories will get immediate responses from their MPP's office.

Jackson also noted that by watching question period, individuals will be able to identify those who support your issues.

Offer MPPs opportunities for leadership positions in fundraising events. Help the MPP to get their name known and build their profile.

Moreover, consider creating partnerships between your organization, the MPP and service clubs.



Cam Jackson, MPP, Burlington

Recognition is also an important element in building profile for the MPP. Therefore, provide opportunities for recognition, thank yous and awards that can be displayed by the MPP. Remember our funding comes from the provincial government, by introducing the provincial member before the federal member at an event, recognition of this relationship will be reinforced.

Jackson noted that if one builds relationships at the local level, you will impact local issues, but if you build relationships provincially, you will have a larger impact. If one builds both local and provincial relationships, then you will be protected through government changes. Therefore, do not ignore parties not in power. They may be in power some day and will remember how they were treated. Know the key people who last regardless of who is in power!

Working Together - 2005 OASIS Conference Highlights

The Annie Oliver Award is designed to honour an individual or organization that demonstrates excellence, innovation and leadership in the developmental sector; an example to others through a high level of administrative processes; and through a combination of perseverance, determination and positive attitude, has assisted OASIS in meeting its mission statement.



Helen Havlik, receiving the 2005 Annie Oliver Award from Annie Oliver.

Board Accountability

Board accountability and the importance of the service contract is a key element of the effective operation of any organization in today's provincially funded environment.

As a Board member, do you know if your agency is achieving the service and financial targets established in the service contract? Does the Board understand the reasons for any variances in meeting the agreed targets?

One of the methods for keeping up to date as a Board member with service and financial target information generated during the fiscal year is the use of a reporting checklist. Then the Board is able to carry out their responsibilities and also understand how an organization's achievements relate to funding.

Aging and Developmental Disabilities

The Ontario Partnership on Aging and Developmental Disabilities (OPADD) is a partnership between participating groups and organizations in the developmental service sector and those involved in the long term care sector. OPADD believes that older adults with a developmental disability have the same rights to support and services as all older adults.

Local solutions are at the heart of the local partnerships. Solutions that build bridges may result from cross sector linkages at the agency level, including training workshops, and participation of planning bodies with a view to build capacity to support older adults with developmental disabilities.

One example of an innovative partnership occurred in Peel Region. Following funding of long term care beds in 1998, representatives of the two sectors met to explore cross sector collaboration in response to emerging needs in the developmental sector.

As a result, plans were developed to move individuals with a disability to a long term care residence. The project supports consistency of care and improved quality of life.

Helping Those That Help Others – Volunteer Liability Protection

by Rebecca C. Durcan

The volunteer is proving to be not only an integral, but an essential, element of charities. As costs and needs rise, many charities are finding themselves more reliant upon volunteers than ever before.

While charities are wise to recruit and welcome volunteers into their organizations, charities must be aware of the legal liability that is inherent in using volunteers.

Volunteers are an integral element of charities. Without their work and dedication to the various charitable causes, the ability of charities to fulfill their missions would be severely curtailed.



The following is our brief overview of the tort principles that can give rise to findings of liability. We then describe the statutory landscape which attempts to protect volunteers from lawsuits connected with their volunteer work. Finally, we will describe tools which a charity may wish to utilize to protect itself, and the volunteer, from claims of wrongdoing.

Tort Principles

There are several “types” of liability for which a charity may be held responsible in negligence.

First, a charity may be directly liable where it breaches a legal duty owed directly to a person (perhaps a client).

Charities have a duty to maintain a reasonable standard of care, which includes among other things, provision of adequate and safe equipment, reasonable levels of staffing and recruiting qualified personnel. Generally, corporate liability creates a liability on the charity for what can best be defined as the charity’s “systems responsibilities”.

Second, a charity is vicariously liable for the negligent acts of its employees, performed within the scope of their employment. In some provinces, charities can also be found vicariously liable for the negligent acts of volunteers.

Protecting the “Good Samaritan”

In addition to protection for the volunteer, there are statutes and case law which shield those individuals who go out of their way to assist people who have been injured in an accident.

Prince Edward Island, Alberta and British Columbia have passed “Good Samaritan” laws.

Ontario has legislation “on the books” which has yet to be proclaimed in force.

Quebec is the only province in the country which imposes a positive duty on everyone to assist a person in peril.

(Continued - page 7)

Helping Those That Help Others

- Volunteer Liability Protection (continued)

The Volunteer Protection Act ("VPA") was enacted in Nova Scotia on January 1, 2003.

An equivalent does not exist in most jurisdictions.

The intent of the VPA is to shield volunteers from liability.

The VPA protects a volunteer from any liability for damages caused by an act or omission of the volunteer.

Ontario

The Good Samaritan Act, 2001 ("GSA") received third reading in 2001. It has yet to be proclaimed in force.

The Good Samaritan Act stipulates that a person who voluntarily and without expectation of compensation or reward provides emergency assistance is not liable for damages that result from the person's negligence in acting or failing to act while providing the services, unless the person committed gross negligence. The Good Samaritan Act states that it applies to health care professionals, as long as the services are not provided in a hospital or other place having appropriate facilities and equipment.

What can you do?

An equivalent to the Volunteer Protection Act (Nova Scotia) does not exist in most jurisdictions. However, a charity could utilize the principles enunciated in these statutes as a risk management measure.

For example;

A volunteer's responsibilities can be accurately described in an "Expectation List." This list can be utilized to demonstrate what was inside and outside of the volunteer's scope of responsibilities.

- Identify any volunteers within your organization that have special skills or licenses (nurse, physician, ACLS certification) and request a copy of their certificate or license, annually, so that the charity is always aware of any special skills that exist within its organization.
- Keep a detailed list of all reimbursement monies paid out to volunteers so that no claims of employer/employee status can be alleged.
- Perform background checks by thoroughly contacting each reference. Some organizations are extending their background check to include police checks.
- Conduct regular seminars and training outlining the charity's appropriate standards and expectations. This will ensure that the volunteer is aware, at all times, of acceptable actions and behaviours.
- Draft a volunteer handbook setting out the charity's philosophy and expectations. This handbook should be provided to every volunteer within the organization. A list denoting distribution and acceptance should be maintained. This will again demonstrate that the volunteer was aware at all times of acceptable actions and behaviours.

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Check Us Out

OASIS website
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OASIS Mission:

To facilitate the sharing of ideas, resources, systems and information, OASIS will liaise with government on behalf of member organizations with the goal of improving the development of cost effective quality supports for individuals with developmental disabilities.

FOCUS is published quarterly by Ontario Agencies Supporting Individuals with Special Needs.

Ideas and articles are welcomed for FOCUS. Contact the Editorial Committee.

Look for the next issue of FOCUS in the fall of 2005.

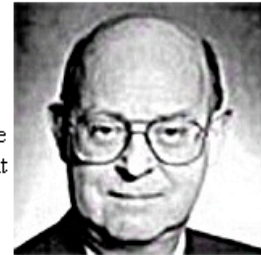
Audit Exemption Expanded For Ontario Charities And Non-For-Profit Corporations

By Hugh M. Kelly

In “We are so Small - Must We Have an Audit?” published in the August 2004 issue of the Miller Thomson newsletter, the examination of audit requirements included a reference to the statutory authority in Ontario permitting members to elect not to have an audit.

As the law stood then and now stands, an Ontario non share capital corporation is exempt from the obligation to appoint auditors and to have an audit conducted only if: the annual income of the corporation is less than \$10,000; all members of the corporation consent in writing to the exemption for a named year; and the corporation is not a charity.

Included in Bill 190 *An Act to promote good government by amending or repealing certain Acts and by enacting one new Act* introduced on 27 April 2005 are provisions that will expand the right of non-share capital corporations to avoid an audit. The Explanatory Note accompanying First Reading says it all: *The Corporations Act* currently exempts ... a corporation under Part III from the requirement to appoint an auditor for a financial year, if certain conditions are met. One of the conditions is that the annual income of the ... corporation must be less than \$10,000. This condition is amended to provide that the annual income must be less than an amount to be prescribed by the regulations.



Hugh M. Kelly

The reason for the amendment is that the threshold amount of \$10,000 is out of date, such that few corporations currently qualify for the exemption. The intention is to allow the threshold amount to be set by regulation and to be changed by regulation from time to time to reflect changing economic conditions, without the need for continual statutory amendments.

In addition, the provision of the Act that prevents the above exemption from applying to a [charitable] corporation ... is repealed.

So, assuming that in due course Bill 190 becomes law, smaller Ontario non-share capital corporations – “small”, in terms of annual income, will be defined from time to time by Ontario Regulations passed by the Cabinet – will have the legal right, for one year at a time, to avoid incurring the expense of an audit. Still required, it should be noted, will be the written consent of all members, specifying the particular year for which the exemption is to apply.

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