



March 27, 2024

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Via email to: [consultation@collegept.org](mailto:consultation@collegept.org)

## **SUBJECT: CONSULTATION ON PROPOSED CODE OF ETHICAL CONDUCT**

Dear Mr. Madhvani and Dr. Roxborough,

The Ontario Physiotherapy Association (OPA) is writing to the College of Physiotherapists of Ontario (CPO) in response to the consultation on the proposed Code of Ethical Conduct. We thank you for the opportunity to participate in this consultation, and informed by our Board of Directors, offer the following feedback for your consideration.

### **RECOMMENDATION: ETHICAL CONDUCT AS A STANDARD**

Updates to the Code of Ethical Conduct are useful but fall short of what's needed to effectively address discrimination, bias, and racism. Instead, OPA recommends establishing a Standard of Ethical Conduct. The move to a standard would demonstrate a strong commitment to anti-racism and cultural safety, and create a strong structure that the public, physiotherapists, and policy makers can depend on to provide safe, equitable and high-quality health care services.

There is precedent for establishing a standard for ethical conduct. The Health Standards Organization has published the British Columbia Cultural Safety and Humility Standard, which addresses racism and discrimination. The Standard highlights the responsibilities of not only health systems, but also health organizations and practitioners to establish a culture of anti-racism and cultural safety. Additionally, the British Columbia College of Nurses and Midwives has created an Ethical Practice Standard, which can be viewed [here](#). The OPA recommends that the College consider moving the Code of Ethical Conduct to a Standard, because as it is currently written and presented, it functions as a guideline or recommendation, rather than a requirement for practice.

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## FEEDBACK ON THE CODE OF ETHICAL CONDUCT

In reviewing the Code of Ethical Conduct as proposed, OPA has identified feedback that falls under the following three domains:

1) *Build on the concept of informed consent:*

- Highlight the ethical responsibility of a physiotherapist to provide all information necessary to ensure patients have the information they need for informed consent and informed decision making to be achieved.

2) *Recognize the role of substitute decision makers in patient care:*

- Various statements recognize the rights of patients, such as the responsibility to work in partnership with patients and support their decision making and autonomy. This can be expanded to recognize the role of families and caregivers in decision-making in certain circumstances, highlighting the ethical responsibility of physiotherapists to work in partnership with the patient and others involved in their care.

3) *Build on our ethical responsibility and role to address instances of discrimination, racism, and prejudice in healthcare:*

- Participate in creating an inclusive and equitable workplace and patient care setting.

More specific feedback is outlined, section by section, below.

## SECTION: ETHICAL PRINCIPLES AND CORE PROFESSIONAL VALUES

Under *respect for autonomy*, the OPA recommends that the College include language around the physiotherapist's ethical duty to provide all information necessary for informed consent to occur.

Under *Least Harm*, the OPA recommends that the College includes more explicitly the option of abstaining from treatment as a treatment in itself. In some cases, refraining from providing treatment is safer than providing it to a patient. This can also be included in the informed consent section - ensuring each patient is aware that they can select no treatment as an option, with awareness of the applicable benefits and risks.

## SECTION: RESPONSIBILITIES TO THE PATIENT

Under point 1., there is reference to *unique rights*, which requires further explanation or removal. There is lack of clarity of what is meant by this term, with an assumption that all patients possess the same rights under the *Canada Health Act* and *Healthcare Consent Act*.

Under point 2., *do not refuse care or treatment* is stated as a responsibility to the patient, however not refusing care should be considered the minimum requirement in the context of discrimination. To further promote equity and respect, language should include other ways of eliminating discriminatory behaviour, such as not lowering the quality or standard of care, and refraining from bias, judgment, and prejudice. The OPA recommends that the College consider language such as “actively work toward creating an inclusive and equitable environment and minimize the risk of discrimination, harassment, and judgment.”

Under point 3., the statement *work in partnership with patients* should be extrapolated to include caregivers, family members, and other parties who may be involved in one's care so long as informed consent is obtained to include additional individuals in the care process. The College should also consider a statement about collaborating with caregivers who have power of attorney over medical decisions and how to still involve the patient in their care.

Under point 9., The statement *provides an alternative treatment option...if the therapeutic relationship is compromised* should include language around other circumstances in which referral may be warranted. This information is more explicitly outlined in the Duty of Care Standard but would be beneficial to have in the Code of Ethical Conduct as well. These circumstances may include:

- 1) If it is in the best interest of the patient and their health goals or needs
- 2) If it is requested by the patient out of preference
- 3) The care needs of the patient exceed the level of expertise of the physiotherapist

## SECTION: RESPONSIBILITIES TO THE PUBLIC

Under point 6., The statement *assesses the quality and impact of their services* should also include language around making amendments and improvements as needed.

## SECTION: RESPONSIBILITIES TO THE PROFESSION

Under point 6., the statement *refrain from harassment, abuse, or discrimination of colleagues, employees, and students* is not comprehensive and does not accurately describe the physiotherapist's ethical duty to create and maintain safe workplaces. As mentioned in the section *Responsibilities to the Patient* under point 2., refraining from harassment and discrimination is the bare minimum.

While it is important to not engage in this activity, it is equally important to not observe or act as a bystander. College Standards outline duties to report in certain circumstances, but the ethical responsibilities when observing acts of discrimination, harassment, bias, or judgment (outside duty to report situations) should be better outlined. The OPA recommends more explicitly outlining the ethical requirement to commit to creating and maintaining safe professional spaces by demonstrating sensitivity, respect, and understanding in addition to refraining from discrimination and harassment.

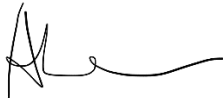
The following question also arose in discussion of this section:

- Should observations of discrimination be considered as a duty to report?

OPA presents this question to highlight the significance of ethical conduct, and the importance of active participation by all physiotherapists in dismantling systems of oppression.

Thank you for this opportunity to provide feedback on this consultation. The OPA is happy to assist and, would be pleased to meet with you to discuss the points we have made in this submission.

Sincerely,



Amy Hondronicols  
Director, Practice, Policy & Member Services