



Briefing Note: Proposed By-law Amendment 2025

MOTION: THAT the members approve the amendment to the By-laws of the Corporation, as presented.

Background

The Ontario Society of Occupational Therapists made significant changes to our Bylaws in 2023 as a response to the *Ontario Not-for-Profit Corporation Act, 2010 (ONCA)*. One of these changes was to include occupational therapist assistants (OTAs) as members. Article 8.02 (a)(ii) outlines Class B Active Members as those who:

- (A) live and /or work in the Province of Ontario; and*
- (B) have graduated from a recognized public or private occupational therapist assistant program in Ontario or other Canadian province or territory.*

Through our recruitment efforts, we have had interested people who do not fit these requirements, specifically part B (above). For example, internationally trained occupational therapists who are in the process of registering with the College of Occupational Therapists of Ontario but are currently working as OTAs or those who work as “Rehab Assistant” and who have no (or little) formal education but work under the supervision of occupational therapists in the same manner as OTAs.

Currently, our Bylaws prevent these individuals from becoming a member of OSOT and we encourage them to join as an Associate member which is the same fee and access as an OTA membership but does not have voting rights.

Description

Proposed wording changes are in red (see below for full Article content):

Article 8.02 (a)(ii) An Active Member in Class B must:

- (A) live and /or work in the Province of Ontario; and*
- (B) have graduated from a recognized public or private occupational therapist assistant program in Ontario or other Canadian province or territory; OR graduated from an international occupational therapy program but is not registered to practice in Canada as an occupational therapist; OR previously or currently holds a position as an assistant taking assignment from a registered occupational therapist.*

Is this initiative STRATEGIC?

- Yes. The proposed changes would allow those working under the assignment of occupational therapists (OTs) access to OSOT resources. This can increase OSOT’s membership (strategic goal to increase membership by 5%) and support the collaboration and communication between OTs and OTAs (support our members meet the new professional competencies). OSOT has a full pillar dedicated to the addition OTAs to our membership, so this contributes to achieving that objective.

Is this initiative CRITICAL?

- No. Although this would allow more of those working with OTs to become members, the number of OTAs trained at recognized OTA programs is significant. The number of individuals the Bylaw changes would impact is not known and represents a small number of calls/inquiries we have received to-date.

Have ALTERNATIVES been considered?

- Yes. The Bylaws can remain unchanged and those not meeting the current criteria can continue to register as Associate members.

Are there any RISKS associated with this decision?

- **Reputational Risk** – By expanding the definition of an OTA member OSOT would be unable to verify educational background. Although OSOT does not work in a regulatory capacity and has no obligation to only register those with formal education, the organization could be seen as opening registration to “anyone” and risk losing OT members’ confidence. This is mitigated by the fact that each OT is responsible/required to ensure their assistants are competent in any activities they assign and has no direct bearing on if they are an OSOT member.
- **Professional Risk** – As a positive risk, by bringing in more assistants, OTs will gain a stronger confidence that their OSOT member assistants have access to ongoing professional development and practice resources. This is a risk the occupational therapy profession can take to move forward to support OTA competencies and improve collaboration and communication.

What is involved in IMPLEMENTATION pursuant to this decision?

- Pending approval, policies will be put in place to verify/confirm these criteria.
- The changes will come into effect for the 2025-2026 registration year.

ONTARIO SOCIETY OF OCCUPATIONAL THERAPISTS (the Corporation)

Special Resolution of the Members to Approve a Change to the By-laws of the Corporation

Background

- A. At its meetings of September 24, 2024, the Board reviewed and approved the proposed amended to the By-laws of the Corporation, which expands eligibility for occupational therapist assistants. A copy of the amended By-law is attached Appendix 1 to this Resolution.
- B. Based on the recommendation of the Board, the Members wish to consider the attached amended By-laws of the Corporation at their meeting of March 25, 2025.

NOW THEREFORE IT IS RESOLVED THAT (To be completed after the Annual General Meeting by the OSOT Board of Directors):

- 1. At least two thirds (2/3rds) of the members of the Corporation casting votes hereby approve the amended By-laws of the Corporation, attached hereto as Appendix 1, without amendments, or if approved with amendments, with the following amendments:

- 2. This resolution takes effect upon the date it is passed by the members.

March 25, 2025

Chair

Secretary

Appendix 1
Article 8
MEMBERS

8.01 Members

As set out in the articles, there shall be five (5) classes of members. The members shall comprise the membership of the corporation, as follows:

- (a) Class A: Active Members, composed of individuals who meet the conditions set out in section 8.02(a)(i) or 8.02(a)(iii);
- (b) Class B: Active Members, composed of individuals who meet the conditions set out in section 8.02(a)(ii) or 8.02(a)(iii);
- (c) Class C: Associate Members, composed of individuals who meet the conditions set out in section 8.02(b);
- (d) Class D: Affiliate Members, composed of organizations, including but not limited to corporations, partnerships, joint ventures and unincorporated associations, that meet the conditions set out in section 8.02(c); and
- (e) Class E: Emergency Class Members, composed of individuals who meet the conditions set out in section 8.02(d).

All memberships are granted at the discretion of the Board.

8.02 Conditions of Membership

The conditions of each class of membership are set out below.

- (f) **Active Members** - Active Members must meet one of conditions (i), (ii) or (iii) set out in this section 8.02(a), in order to be considered by the Board for membership in the Corporation:
 - (i) An Active Member in Class A must:
 - (A) live and /or work in the Province of Ontario; and
 - (B) meet at least one of the following:
 - (1) be eligible to practice Occupational Therapy in the Province of Ontario or another province pursuant to the *Occupational Therapy Act, 1991* (Ontario) or the applicable legislation that regulates the profession of Occupational Therapy in another Canadian province or territory; OR
 - (2) have graduated from an occupational therapy educational program in Canada accredited by the CAOT or from a non-Canadian occupational therapy educational program recognized by the World Federation of Occupational Therapists, and have successfully completed one thousand (1000) hours of fieldwork or clinical practice or can provide evidence of full membership in the professional association in the country where their occupational therapy education was received;
 - (ii) An Active Member in Class B must:
 - (A) live and /or work in the Province of Ontario; and
 - (B) have graduated from a recognized public or private occupational therapist assistant program in Ontario or other Canadian province or territory; *OR graduated from an international occupational therapy program but is not registered to practice in Canada as an occupational therapist; OR previously or currently holds a position as an assistant taking assignment from a registered occupational therapist.*

- (iii) An Active Member includes any individual who is or was an Active Member (as defined in clauses (i) or (ii) of this section 8.02(a) and to whom the Board awards the designation of Honourary Life Member, with approval of at least two thirds of the Directors casting votes. The Board may consider for Honourary Life membership any individual who is or was an Active Member and who has rendered distinguished and longstanding service to the profession or to the Corporation, as determined by the Board.
- (g) **Associate Members** - Associate Members shall comprise Class C of the membership and shall meet the condition in clause (i) or (ii), to be considered by the Board for membership in the Corporation:
 - (i) **Student Members.** A student member is an individual who is currently enrolled in a CAOT accredited, entry level educational program leading to a degree in Occupational Therapy, or who is currently enrolled in an Ontario occupational therapist assistant program.
 - (ii) **Others.** An individual who is not eligible for any other class of membership and who may or may not be an occupational therapist.
- (h) **Affiliate Members** - Affiliate Members shall comprise Class D of the membership and shall include any organization (including corporations, partnerships, joint ventures and unincorporated associations) of occupational therapists or other organization or corporation related to the profession of occupational therapy, to be considered by the Board for membership in the Corporation. The Corporation shall recognize any individual authorized by an Affiliate Member to represent the Affiliate Member and to exercise all of the powers of that corporation on its behalf.
- (i) **Emergency Class Members** - Emergency Class Members shall comprise Class E of the membership and shall include individuals who are eligible for registration with COTO as an Emergency Class registrant, to be considered by the Board for membership in the Corporation.

8.03 Voting Members and Other Rights

As set out in the Articles, at any meeting of the Members:

- (j) Members of Class A are each entitled to one (1) vote;
- (k) Members of Class B are each entitled to one (1) vote; and
- (l) Members of Classes C, D and E do not have the right to vote.

8.04 Terms of Membership

- (m) Memberships for Members in Classes A, B, C or D shall be for one year, and may be renewed in accordance with the Policies of the Corporation.
- (n) Membership for Members in Class E shall align with the membership term granted by COTO, and may be renewed in accordance with the Policies of the Corporation, to the extent that such Policies are not incompatible with the term granted by COTO.

8.05 Transfer of Membership

Except for transfer between classes of membership, a membership in the Corporation is not transferable and automatically terminates if the Member resigns or such membership is otherwise terminated in accordance with the Act and these By-laws. Members may move between classes of membership if their eligibility for any class changes, or they fail to meet the criteria for the applicable class of membership, as determined by the Board.

8.06 Dues

Annual membership dues payable by each Member to the Corporation, may be established by the Board in accordance with section 86 of the Act. The Board may also determine the manner in which such dues shall be paid and may exempt any Member, class of Members, or subcategory of class of Members, from payment of such dues. The Board may establish and maintain a policy regarding payment of dues by Members in accordance with this section 8.06.

8.07 Termination of Membership

- (o) Upon fifteen (15) Business Days' written notice to a Member, the Board may pass a resolution authorizing disciplinary action or the termination of membership for violating any provision of the Articles, the Act or these By-laws.
- (p) The notice shall set out the reasons for the disciplinary action or termination of membership. The Member receiving the notice shall be entitled to give the Board a written submission opposing the disciplinary action or termination not less than five (5) Business Days before the end of the fifteen (15) day period. The Board shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of membership.