

Memorandum

FROM: Malcolm Lavoie, KC
Deputy Minister of Justice

OUR FILE REFERENCE: AR 65407

YOUR FILE REFERENCE:

TO: Dennis Cooley
Deputy Minister of Assisted Living
and Social Services
6th Floor, Sterling Place

DATE: September 12, 2025

TELEPHONE: 780-427-5032

SUBJECT: **Deborah Onwu – Public Fatality Inquiry;
sending request for a response to recommendations to the Deputy Minister of
Assisted Living and Social Services**

Please find enclosed a copy of the Honourable Justice K.Z. Jivraj's report to the Minister of Justice regarding the public fatality inquiry into the death of Deborah Onwu. This report will be publicly released on September 18, 2025. Please do not share the contents of the report in any manner that would cause it to become available publicly prior to this time.

The following recommendations may impact Persons with Developmental Disabilities, and the Office of the Public Guardian and Trustee. The recommendations are copied below, verbatim, from Justice Jivraj's report:

Recommendation #1: Sharing of information between Agencies.

It is clear from the evidence heard at the Inquiry that neither CFS nor Elk Island disclosed to WHS the full extent of Brandon's involvement in the violent incident at Elk Island and the injuries suffered by the worker there prior to Brandon's transfer to WHS. This remained the case despite several requests by WHS for a copy of the "critical incident report" pertaining to the said incident. A transparent disclosure of violence related hazards posed by a client is not only critical to a receiving agency's decision whether or not it is willing and/or able to accept such a client, but would greatly assist the receiving agency in properly assessing the risk posed by such a client, and in developing appropriate risk mitigation strategies and training programs. I would therefore recommend the Government of Alberta amend its Occupational Health and Safety legislation to make it obligatory for agencies engaged in transferring care of at-risk youth and/or young adults to share critical information pertaining to such individual(s) where they have committed or threatened to commit

acts of violence, or present a risk of committing violence (physical and/or psychological) to themselves and/or to others, and for the agency/employer in receipt of such information to share that information with their employees at risk of such harm.

To ensure adequate and timely disclosure between agencies, I recommend the Government add the following provisions (or similar language) to the Occupational Health and Safety Code, Alta Reg 191/2021 (adopted from CUPE's final submissions):

Duty to Disclose Client/Patient History of Violence or Harassment

1(1) Where an employer transfers care, service, or responsibility for a client or patient to another employer, and the transferring employer has knowledge of a history of violence or harassment associated with that client or patient, the transferring employer shall:

(a) disclose sufficient information about the client's or patient's history of violence or harassment to the receiving employer to enable the receiving employer to:

(i) conduct an appropriate hazard assessment, and

(ii) implement reasonable controls to protect workers from the potential hazard of workplace violence or harassment;

(b) make the disclosure in writing prior to the transfer where practicable, or as soon as reasonably practicable after an emergency transfer;

(c) limit the disclosure to information that is necessary to protect the health and safety of workers at the receiving employer; and

(d) maintain records of such disclosures for a period of not less than 3 years.

(2) An employer receiving information under subsection (1) shall:

(a) use the information only for the purpose of protecting worker health and safety;

(b) incorporate the information into hazard assessments required under section 7 of this Code;

(c) develop appropriate controls to protect workers from the identified hazards; and

(d) limit access to the information to those who require it to ensure worker safety.

(3) The disclosure obligations in this section shall supersede any confidentiality provisions, except where prohibited by law.

(4) For the purposes of this section, "history of violence or harassment" means any documented incident where a client or patient has:

(a) engaged in physical assault or attempted assault;

(b) made threats of violence;

(c) engaged in sexually inappropriate behavior; or

(d) demonstrated a pattern of abusive, threatening, or intimidating behavior

toward any worker or other client while under the care or service provision of the originating employer.

A request for a response to this recommendation has also been sent to Children and Family Services, and to Occupational Health and Safety via their lead Ministry.

Recommendation #3: Trustee & Guardianship of minors at the threshold of adulthood.

I recommend that the Government of Alberta consider introducing legislation that would allow the Office of the Public Guardian and Trustee to automatically assume Trustee and Guardianship status over any minor transitioning into adulthood who is patently unable to handle his or her own affairs due to cognitive impairment. In such case(s), where there is no family member able and/or willing to act as a Guardian, the Office of the Public Guardian and Trustee would automatically become a Guardian for that individual on their 18th birthday. In Brandon's case, although there was talk of his mother assuming the role of legal guardian once he turned 18, nothing was done in that regard and Brandon, despite his significant cognitive impairment, began managing his own affairs once he turned 18 (including monies he received through AISH) putting himself and others at risk.

I ask that you please advise the following:

1. Whether Assisted Living and Social Services accepts in principle, does not accept, or has a different response to the recommendations.
2. A brief explanation of why that decision was made.
3. If Assisted Living and Social Services intends to accept the recommendations, or to implement different measures, what steps will be taken in that regard.

A response to this enquiry is not mandatory. However, be advised that this memorandum and any response received will be publicly released and posted on the Open Government Portal:

<https://open.alberta.ca/opendata/responses-to-public-fatality-inquiry-recommendations>

Please email Assisted Living and Social Services' response to the Fatality Inquiry Coordinator Abid Mavani, at abid.mavani@gov.ab.ca.

If a response has not been received by January 19, 2026 (four months from the public release date of Justice Jivraj's report), that information will also be made publicly available.

Thank you for your cooperation in this matter.

Original Signed

Malcolm Lavoie, KC

Attachment

cc: Abid Mavani, Fatality Inquiry Coordinator, abid.mavani@gov.ab.ca