



THE CANADIAN
BAR ASSOCIATION
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June 10, 2020

Via email: Deb.Schulte@parl.gc.ca

Honourable Deb Schulte P.C., M.P.
Minister of Seniors
Employment and Social Development Canada
140 Promenade du Portage
Gatineau, Quebec K1A 0J9

Dear Minister Schulte:

Re: Calling for Action to protect Canadian Seniors

I am writing on behalf of the Canadian Bar Association's Elder Law Section (the CBA Section) to urge federal government action to address the current crisis faced by people living in group care facilities¹, and in particular, vulnerable older Canadians. The CBA is a national organization representing lawyers, law students, notaries and academics with a mandate that includes seeking improvements in the law and the administration of justice. The CBA Section represents lawyers across Canada who deal with laws affecting seniors. It promotes professionalism in the field and provides a forum to discuss legal matters affecting older adults.

The COVID-19 pandemic has brought to light the extent to which many of Canada's current group care facilities rely on personal support workers and the unpaid support of family members to operate successfully. Canadians have seen that without these resources, the most essential needs of residents are not met, leaving many malnourished, dehydrated and without even the most basic personal hygiene care. The recent report from Canada's military personnel², based on first-hand observations in five group care facilities for older

¹ We use the term "group care facilities" to include retirement homes, nursing homes, long term care facilities, supportive care facilities, care facilities for people with developmental delays, etc., as the terminology varies across Canada.

² <http://www.documentcloud.org/documents/6928480-OP-LASER-JTFC-Observations-in-LTCF-in-On.html>.

adults, has been described by the Prime Minister and the Premier of Ontario as “deeply disturbing”, “gut wrenching” and “disgusting”.

These clear and strong reactions call for an equally clear and strong response to address this situation quickly and, more importantly, to make permanent changes in the system. Older adults living in group care facilities have been among those most harshly impacted by COVID-19, and seem too often forgotten by policy makers. The number of deaths in those facilities since the pandemic began in March 2020 is grossly disproportionate to that in the general population³ and truly staggering, given the vulnerability of those older adults.

The CBA Section appreciates the prompt action taken by the federal government to help business-owners, single parents, employees, farmers and many others. However, we believe that insufficient federal government attention has been given to the needs of Canadian seniors living in group care facilities. We recognize the constitutional restrictions on federal action on this front but suggest that the federal government can act as a funding partner and a leader to encourage and support an adequate national approach. We urge the federal government to work with the provinces and territories to immediately:

1. Offer relief funding to personal support workers in group care facilities to curb absenteeism and staffing shortages, and ensure sufficient benefit and compensation levels for workers to be employed by only one facility at a time;
2. Improve the infrastructure of group care facilities to meet building code standards;
3. Offer better support and resources for education and training programs for personal support workers on infection control protocols, prioritizing the procurement and distribution of necessary personal protective equipment to group care facilities to allow them to implement those protocols;
4. Develop minimum staffing ratios and standardized national protocols on the general care and treatment of older adults in group care facilities, addressing both physical and emotional needs;
5. Supply enhanced and accessible COVID-19 testing for personal support workers and residents of group care facilities.

To address the issues that have led to the current crisis over the longer term, we encourage the federal government to:

6. Create a national body to assist provinces and territories to develop consistent standards, education and policies for group care facilities, particularly on levels of care of residents, dealing with an outbreak, coordinating with hospitals and supporting residents’ families;

³ See, Tonda MacCharles, “82% of Canada’s COVID-19 deaths have been in long-term care, new data reveals”, *The Star* (May 7, 2020). <https://www.thestar.com/politics/federal/2020/05/07/82-of-canadas-covid-19-deaths-have-been-in-long-term-care.html>.

7. Offer financial support and take a leadership role in developing a national approach to training and regulation of personal-support workers, including the general harmonization of interprovincial standards and programs and steps to support and enhance the depth and quality of the pool of caregivers.

We are aware that other national organizations have brought this serious situation to your attention. These include CanAge, the International Federation on Ageing, the International Longevity Centre of Canada, and others, all advocating for immediate government action to address increasing problems in group care facilities in the face of COVID-19. The Elder Law Section echoes these calls for immediate action.

We urge the federal government to act now to increase the safety of older Canadians living in group care facilities. It is clear that we need to prioritize solutions to ensure that the basic needs and human rights of this vulnerable group are respected and supported.

The CBA Section appreciates your consideration of this letter. We would be happy to assist in the development or implementation of any programs, policies or protocols to better protect and address the needs of older adults in Canada.

Yours truly,

(original letter signed by Gaylene Schellenberg for Kavina Nagrani)

Kavina Nagrani, Chair
CBA Elder Law Section