



**Submission to the Standing Committee on
Justice and Human Rights by the
Registered Nurses' Association of Ontario on
Bill C-36, *Protecting Canada's Seniors Act***

October 16, 2012

**The Registered Nurses' Association of Ontario
(RNAO)**



The Registered Nurses' Association of Ontario (RNAO) is the professional association representing registered nurses (RNs), in all settings and roles across Ontario. It is the strong credible voice leading the nursing profession to influence and promote healthy public policy. RNAO is proud of its long history of advocacy with community partners directed to governments and others to improve seniors' health and enable each person to live in dignity as a respected member of Canadian society.

The RNAO appreciates the opportunity to provide feedback to the Standing Committee on Justice and Human Rights on Bill C-36, *Protecting Canada's Seniors Act*. RNAO fully supports the amendment of the *Criminal Code*. In itself, however, this amendment will not produce the changes needed to end elder abuse and neglect.

As much as the criminal justice system is an integral aspect of public safety, there is growing evidence that an interdisciplinary and science-based public health approach holds tremendous promise for preventing violence and reducing its impact when it does occur.¹ An important component of the World Health Organization's definition of violence is that it includes power as well as force:

The intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation.²

The Parliamentary Committee on Palliative and Compassionate Care's report, *Not To Be Forgotten: Care of Vulnerable Canadians* situates its discussion of elder abuse within an ecological model in order to address such "an immensely complicated multi-causal phenomenon."³ By considering the complex interplay of individual, relationship, community, and societal factors, the ecological model⁴ invites us to move beyond a focus on individual victims and abusers. Consistent with the World Health Organization's Commission on Social Determinants of Health's conceptual framework on the social determinants of health,⁵ cultural norms that enable ageism, sexism, racism and our culture of violence, macroeconomic policies that cause poverty and income inequality, and inadequate social and public policies that exacerbate social exclusion and lack of affordable housing are all factors that deserve our attention.

RNAO encourages the government of Canada to review the evidence and implement the numerous recommendations already identified in the following reports to address the upstream social determinants of health such as poverty, social exclusion, lack of affordable housing and supportive services, and discrimination that leave seniors more vulnerable to abuse and neglect:

1 | RNAO Submission to the Standing Committee on Justice and Human Rights on Bill C-36
October 16, 2012

- National Advisory Council on Aging, (2005), *Seniors on the Margins: Aging in Poverty in Canada*.⁶
- Special Senate Committee on Aging, (2009), *Canada's Aging Population: Seizing the Opportunity*.⁷
- Standing Committee on Social Affairs, Science and Technology. Subcommittee on Cities, (2009), *In From the Margins: A Call to Action on Poverty, Housing, and Homelessness*.⁸
- Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, (2010), *Federal Poverty Reduction Plan: Working in Partnership toward Reducing Poverty in Canada*.⁹
- Parliamentary Committee on Palliative and Compassionate Care, (2011), *Not to be Forgotten: Care of Vulnerable Canadians*.¹⁰
- CARP, (2012), *People Behind the Numbers. CARP 2012 Budget Submission to the House of Commons Standing Committee on Finance*.¹¹

In November 2011, the *Toronto Star* exposed shocking incidents of abuse that occurred in several long-term care facilities, some of which were not reported or had delayed reporting to the authorities.¹² This led to the establishment of Ontario's Long-Term Care Task Force on Resident Care and Safety, chaired by Dr. Gail Donner.¹³ RNAO was actively and expertly represented on this Task Force by Josephine Santos, Program Manager, Long-Term Care Best Practices Initiative.

In 2011 alone, there were 3,216 critical incidents of abuse and neglect reported to the Ontario Ministry of Health and Long-Term Care. That number translated into an average of 3.55 cases per 100 nursing home beds.¹⁴ Through surveys, submissions, and a review of the evidence, the task force learned that the top factors leading to abuse and neglect include staffing issues (such as not enough staff, high workload, inadequate training and skills) and resident attributes (such as dementia, mental health and addiction) linked with responsive behaviours such as being aggressive or violent.¹⁵ A resident may sometimes be a victim of abuse and sometimes a danger to themselves, other residents, or staff. In fact, 57 per cent of abuse incidents reported to the Ministry of Health and Long-Term Care in 2011 were resident-to-resident abuse.¹⁶ This means that residents with specialized needs must be better supported to ensure safety for themselves and all others in that environment. Areas that need to be addressed for improved safety include funding for specialized facilities, dedicated specialized units within long-term care homes, appropriate physical plant conditions, specialized programs, and appropriately skilled and knowledgeable staff in sufficient numbers to care for vulnerable residents with high needs.¹⁷

In May 2012, the Long-Term Care Task Force on Resident Care and Safety released its report with a list of 18 actions to improve care and safety--actions not only pertinent to Ontario but of value from coast to coast to coast.¹⁸ In addition to supporting these action

items, RNAO recently submitted feedback to our provincial government to help inform Ontario's Seniors' Care Strategy.¹⁹ RNAO's submission may be of interest to the Standing Committee on Justice and Human Rights for detailed evidence-based recommendations on how to improve seniors' health, health care, and safety across sectors, including minimum standards of nursing care in long-term care.²⁰

With funding from the federal government, RNAO and the Canadian Nurses Association launched the Prevention of Elder Abuse Centres of Excellence (PEACE) in 2010 in 10 long-term care homes across the country.²¹ Positive outcomes of the PEACE initiative included behavioural changes and increased confidence of staff in responding to instances of abuse. Building on the success of this project, RNAO, with the help of federal funding, is now developing a best practice guideline that will focus on addressing awareness, prevention, identification, and strategies for intervention when instances of abuse or neglect are known or suspected.²² This evidence-based prevention of elder abuse best practice guideline will complement other relevant RNAO best practice guidelines on topics such as:

- Assessment and Care of Adults at Risk for Suicidal Ideation and Behaviour²³
- Client Centred Care²⁴
- Crisis Intervention²⁵
- Preventing and Managing Violence in the Workplace²⁶
- Promoting Safety: Alternative Approaches to the Use of Restraints²⁷
- Screening²⁸ and Caregiver Strategies for Older Adults with Delirium, Dementia and Depression²⁹
- Supporting and Strengthening Families Through Expected and Unexpected Life Events³⁰
- Woman Abuse: Screening, Identification and Initial Response³¹

All of these evidence-based guidelines,³² as well as implementation resources,³³ are available to be downloaded from the RNAO website, without charge, along with information on RNAO's Long-Term Care Best Practices Initiative.³⁴

Nurses know in the core of our being that no person ever deserves to be abused or neglected. All seniors should be able to live out their final years and enjoy a sense of respect, dignity, safety, and security. And, as individuals and as a society we must deliver on our duty to protect and fully eliminate elder abuse. For that reason, the Registered Nurses' Association of Ontario appreciates the opportunity to support Bill C-36 and provide feedback identifying additional resources for the consideration of the Standing Committee on Justice and Human Rights.

References

- ¹ Krug, E., et al. (2002). *World Report on Violence and Health*. Geneva: World Health Organization, 3-5. http://whqlibdoc.who.int/publications/2002/9241545615_chap1_eng.pdf
- ² Ibid, 5.
- ³ Canada. Parliament. House of Commons. Parliamentary Committee on Palliative and Compassionate Care. (2011). *Not to be Forgotten: Care of Vulnerable Canadians*, 99. <http://pcpcc-cpspsc.com/report>
- ⁴ Ibid, 99-102.
- ⁵ Commission on Social Determinants of Health (2008). *Closing the gap in a generation: Health equity through action on the social determinants of health. Final Report on the Commission on Social Determinants of Health*. Geneva: World Health Organization, 44. http://www.who.int/social_determinants/thecommission/finalreport/en/index.html
- ⁶ National Advisory Council on Aging, (2005). *Seniors on the Margins: Aging in Poverty in Canada*. Ottawa: Author. <http://publications.gc.ca/collections/Collection/H88-5-3-2005E.pdf>
- ⁷ Special Senate Committee on Aging (2009). *Canada's Aging Population: Seizing the Opportunity*. Ottawa: Author. <http://www.parl.gc.ca/Content/SEN/Committee/402/agei/rep/AgingFinalReport-e.pdf>
- ⁸ Standing Committee on Social Affairs, Science and Technology, (2009). *In From the Margins: A Call to Action on Poverty, Housing and Homelessness*. Ottawa: Author. <http://www.parl.gc.ca/Content/SEN/Committee/402/citi/rep/rep02dec09-e.pdf>
- ⁹ Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. (2010). *Federal Poverty Reduction Plan: Working in Partnership toward Reducing Poverty in Canada*. Ottawa: Author. <http://www.parl.gc.ca/content/hoc/Committee/403/HUMA/Reports/RP4770921/humarp07/humarp07-e.pdf>
- ¹⁰ Parliamentary Committee on Palliative and Compassionate Care, (2011). *Not to be Forgotten: Care of Vulnerable Canadians*. Ottawa: Author. <http://pcpcc-cpspsc.com/wp-content/uploads/2011/11/ReportEN.pdf>
- ¹¹ CARP, (2012). *People Behind the Numbers; CARP 2012 Budget Submission to the House of Commons*. Standing Committee on Finance. Toronto: Author. <http://www.carp.ca/wp-content/uploads/2012/10/Federal-pre-budget-Submission-2012-FINAL.pdf>
- ¹² Welsh, M. & McLean, J. (2011). Nursing home residents abused. *Toronto Star*, November 17, 2012. <http://www.thestar.com/news/canada/article/1088090--nursing-home-residents-abused>
- ¹³ Long-Term Care Task Force on Resident Care and Safety. About the Task Force. <http://longtermcaretaskforce.ca/index.php/About>
- ¹⁴ Long-Term Care Task Force on Resident Care and Safety, (2012). *An Action Plan to Address Abuse and Neglect in Long-Term Care Homes*. Toronto: Author, 22-23. <http://longtermcaretaskforce.ca/images/uploads/LTCFTReportEnglish.pdf>
- ¹⁵ Ibid., 39.
- ¹⁶ Ibid, 23.
- ¹⁷ Ibid., 64-66.
- ¹⁸ Ibid., 78-82.
- ¹⁹ Registered Nurses' Association of Ontario, (2012). *Submission to the Government of Ontario's Seniors Care Strategy*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/RNAOs_Submission_to_the_Government_of_Ontarios_Seniors_Care_Strategy_-_Sept._6.pdf
- ²⁰ Ibid.
- ²¹ Registered Nurses' Association of Ontario. Promoting the Awareness of Elder Abuse in Long-Term Care. Toronto: Author <http://rnao.ca/bpg/initiatives/promoting-awareness-elder-abuse-longterm-care>
- ²² Registered Nurses' Association of Ontario, (2012). *Elder Abuse Prevention*. Toronto: Author. <http://rnao.ca/news/elder-abuse-prevention>

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- ²³ Registered Nurses' Association of Ontario, (2009). *Assessment and Care of Adults at Risk for Suicidal Ideation and Behaviour*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Assessment_and_Care_of_Adults_at_Risk_for_Suicidal_Ideation_and_Behaviour.pdf
- ²⁴ Registered Nurses' Association of Ontario, (2006). *Client Centred Care*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Client_Centred_Care.pdf
- ²⁵ Registered Nurses' Association of Ontario, (2006). *Crisis Intervention*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Crisis_Intervention.pdf
- ²⁶ Registered Nurses' Association of Ontario, (2009). *Preventing and Managing Violence in the Workplace*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Preventing_and_Managing_Violence_in_the_Workplace.pdf
- ²⁷ Registered Nurses' Association of Ontario, (2012). *Promoting Safety: Alternative Approaches to the Use of Restraints*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Promoting_Safety_-_Alternative_Approaches_to_the_Use_of_Restraints_0.pdf
- ²⁸ Registered Nurses' Association of Ontario, (2010). *Screening for Delirium, Dementia and Depression in Older Adults*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Screening_for_Delirium_Dementia_and_Depression_in_the_Older_Adult.pdf
- ²⁹ Registered Nurses' Association of Ontario, (2010). *Caregiving Strategies for Older Adults with Delirium, Dementia and Depression in Older Adults*. Toronto: Author http://rnao.ca/sites/rnao-ca/files/Caregiving_Strategies_for_Older_Adults_with_Delirium_Dementia_and_Depression.pdf
- ³⁰ Registered Nurses' Association of Ontario, (2006). *Supporting and Strengthening Families Through Expected and Unexpected Life Events*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Supporting_and_Strengthening_Families_Through_Expected_and_Unexpected_Life_Events.pdf
- ³¹ Registered Nurses' Association of Ontario, (2012). *Woman Abuse: Screening, Identification and Initial Response*. Toronto: Author. http://rnao.ca/sites/rnao-ca/files/Woman_Abuse_Screening_Identification_and_Initial_Response_0.pdf
- ³² Registered Nurses' Association of Ontario. Guidelines. Toronto: Author. <http://rnao.ca/bpg/guidelines>
- ³³ Registered Nurses' Association of Ontario. Implementation Resources. Toronto: Author. <http://rnao.ca/bpg/implementation-resources>
- ³⁴ Registered Nurses' Association of Ontario, Long-Term Care Best Practices Initiative. Toronto: Author. <http://rnao.ca/bpg/initiatives/longterm-care-best-practices-initiative>