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ONTARIO GOVERNMENT POLICY IS AGEIST AND TARGETS THE MOST VULNERABLE PATIENTS IN HOSPITALS

“If somebody refuses to move into a home, if they refuse to move into their home of preferred choice, should a hospital charge them? Absolutely. We need those spaces for patients who need acute care. We need them for surgery. We need them for our emergency rooms.” (Paul Calandra, Globe and Mail, August 24, 2022).

This kind of pitting old, disabled hospital patients against other patients is a deplorable strategy known the world over to be used by authoritarian governments seeking to turn one portion of a population against another. Minister Calandra has just disgraced himself with these words.

Had his government taken Seniors for Social Action’s advice early on and invested in in-home and community care instead of expensive, archaic institutions, it would not now find itself in this position. Instead it chose to ignore those who are now the very targets of Bill 7.

The Ontario government plans to coerce old and disabled people to pay for their beds if they refuse to move into a long-term care facility not of their choosing that a placement coordinator at a hospital chooses for them.

In a blatant example of differential treatment - discrimination against this segment of the hospital population, Minister Calandra and his government are targeting those least able to defend themselves.

Minister Calandra says they will be charged \$62 a day. Not always. “On Wednesday, they [advocates] also warned the new bill could mean more patients are charged massive fees for refusing to leave hospital. In Question Period, Hamilton NDP MPP Sandy Shaw raised the case of a constituent who last year ended up with a hospital bill of more than \$240,000 after refusing to take what his family believed was an unsuitable long-term care spot. Ms. Shaw said such cases are currently rare but still happen.” (Gray & Cook, 2022).

There are a lot of other things that SSAO has told the Ford government it could be doing to keep people at home, or at least in residential services in their own communities and ease the strain on hospitals. To date – crickets from the government – and now Bill 7.

“Seniors for Social Action Ontario co-founder Dr. Patricia Spindel said the government should be spending more on community-care programs to reduce the strain on hospital capacity instead of signing people up for long-term care homes to which they don’t want to go. “If they really want to empty hospital beds, offer to pay family members to care for people so they can stay home and care for them. They would empty a bunch of hospital beds right off the top,” she said.” (Gray & Cook, 2022).

Bill 7 Violates Peoples' Human Rights

Canada is a signatory to the U.N. Convention on the Rights of Persons with Disabilities. Rights of persons with disabilities do not expire when they reach age 65.

The U.N. Convention is clear with respect to people with disabilities having the right to choose where and with whom they will live under Article 19:

"Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs."

The Ford government is in violation of this and other articles of this Convention. It is also engaging in differential treatment of one segment of the hospital population.

So where is the Ontario Human Rights Commission? Its silence is deafening. It has twice turned down SSAO's request to conduct a public inquiry into the unjustifiable mass institutionalization of older adults and people with disabilities citing scarce resources.

Where is the Federal Attorney General? His silence is also deafening? Do older Ontario citizens live in a gulag somehow divorced from the rest of Canada which is a signatory to the U.N. Convention?

Where are older peoples' rights not to be differentially treated and to be allowed, like the rest of the population to choose where and with whom they will live and not face coercion or penalties for exercising their rights?

Privatization by Any Other Name

Bill 7 is essentially a privatization Bill that is being foisted on the old and infirm, attempting to force them to accept placement in long-term care facilities predominantly operated by large corporations that public reporting shows have been out of compliance with provincial legislation for years, and that had the worst track records during the pandemic. Many have class action lawsuits filed against them by the families of the dead. The Ford government chose to expand the bed counts of the corporations and facilities with the highest death rates during the pandemic (Oved et al, 2022).

It is into these facilities that the Ford government wants to force ALC patients in hospitals?

Minister Calandra and his Inspection Branch have failed to protect the residents already living in there. Unexplained falls, care plans not being followed, mismanagement of medication, inadequate wound care, abuse and neglect – all detailed in the government’s own inspection reports. The CBC has reported that 85% of these facilities remain out of compliance with the law and face few to no consequences (Pedersen et al, 2020).

All fine for the old and infirm to have to go there? Government wants us to believe that these are the places where their needs can be met and their quality of life improved?

This Bill forces ALC patients to pay for their care or accept arbitrary placement to long-term care institutions, and in the process it violates their rights to privacy through the transfer of their personal health information to these facilities without their consent.

In a recent press conference at Queen’s Park, John Fraser, the Liberal leader, correctly called this Bill ageist, pointing out that old people have the same rights as anyone else.

Not in today’s Ontario.

Not under the Ford government which is demonstrating its contempt for disabled elderly people in this Bill, and its differential treatment of them as opposed to other hospital patients.

This whole government, and especially the Cabinet, should be ashamed of its disgraceful treatment of the old and infirm through the introduction of Bill 7 - one of the most draconian pieces of legislation in Ontario’s history.

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