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November 4, 2020

To: Standing Committee on Justice Policy, Ontario Legislature

Re: Bill 218

We are writing you today to express our concern about proposed Bill 218 which lowers accountability for poor care and neglect of our elderly in long-term care homes and makes it extremely difficult for residents and families to sue long-term care homes as a result of COVID-19.

While we recognize that most long-term care (LTC) homes made herculean efforts to contain the virus and reduce the impact on their residents and staff, we have heard directly and through the press, of cases of disturbingly severe negligence. Despite government directives some homes did not isolate infected residents; some refused to issue staff with PPE; some staff were even told to take off their masks so they wouldn't scare the residents or report to work while sick; lack of basic care resulted in residents dying from malnutrition and dehydration. The report by the Canadian military laid bare the systemic issues in long term care that resulted in cases of severe neglect and abuse and the deaths of more than 2,000 long-term care residents. These systemic issues include pre-existing issues of accountability, oversight and management. Families and residents will bear the emotional scars left by the pandemic for years to come.

It is therefore very surprising that the government feels it is necessary at this point in time to legislate a stricter test for accountability. The test for negligence, even where deaths are the result, should not be so high that negligent long-term care owners should not be exempted from accountability. We are asking, on behalf of the Family Councils in our region, that the proposed legislation be amended to exclude long-term care home operators. Families deserve a fair opportunity for justice for their loved ones not further weakening of accountability.

The Champlain Region Family Council Network supports the family councils in the 60 long-term care homes in the Champlain Region.

Yours sincerely

Rosemary Cavan

Chair

Champlain Region Family Council Network

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