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Bill No. 606 – *The Residents-in-care Bill of Rights Act*

Mr. Forbes: Thank you very much, Mr. Deputy Speaker. It is indeed a pleasure to rise today and speak on Bill 606, a private member's bill, An Act respecting the Rights of Residents in Special Care Facilities and Personal Care Homes. And I know my good friend and colleague from Saskatoon Riversdale's put a lot of thought into this, and I hope we all take some time over the next little while to really reflect on how important this is.

You know, we've seen good bipartisan efforts, especially when it comes to private member bills, and I think it's important for both sides of the House to put aside partisan thoughts on or stances on this issue and think what's really in the best interests for the residents in special care facilities and personal care homes. And many, many, by the vast majority of course are seniors, but some are not. And we hear those tragic circumstances where by chance of either an accident or some misfortune, younger people are part of personal care homes or special care facilities, but we all absolutely, absolutely deserve the dignity and respect of treatment, no matter what we find ourselves in. And in terms of that, I think this is an important bill.

And we've seen success in private member bills where they get passed, as we've seen with Howard's law and the asbestos registry. It seemed only to make sense. And I think of, for example, the reservist legislation that the other side put forward when they were in opposition, and we were able to take it and incorporate it into labour standards legislation that was before the House, and it worked out really well. But definitely the Sask Party at the time seized the opportunity to do the right thing, and they did. And we worked together.

But we've seen situations where a former minister of Agriculture . . . Or I've put forward legislation about protection of service animals, and the minister of Agriculture at the time saw fit and thought it was a wise thing to incorporate it into the legislation that was before the House, and it worked out really well. And that's what we want at the end of

the day, common sense solutions for the people of Saskatchewan. And that worked out well. We know that there were groups at that point who were advocating for protection for service animals. They were both the police service in terms of their canine unit, but also people with disabilities, their organizations for people who use service animals in a day-to-day situation. And they knew this was an important issue. It was above politics.

[12:15]

And this is the beauty of this Chamber and of private member bills, is that people can bring forward ideas. And I hope that we can take a look at this and say, this actually makes a lot of sense. And it's not just my colleague, and she's very . . . You know, we should really listen to her in that, but we know that the Law Reform Commission of Saskatchewan is actually advocating for such a thing. And we see that's happening right across Canada. So really it does make sense.

So I think when it comes time to vote, we should be voting in favour. And I would urge the other side to consider this and take some time and review Bill 606 and how important it is to do the right thing by our Saskatchewan residents who are living in special care facilities and personal care homes. It's an important thing but something that should not be voted on necessarily along party lines. It would be great if the Sask Party government endorsed it completely and said yes, we're going to be behind it.

But we've seen instances in the House this term, this session where, for example, around the P3 [public-private partnership] bill, which made a lot of sense, made a lot of sense, we still can't understand why the government would be against transparency and accountability and what would be the best interests of Saskatchewan citizens. But they felt that it was the thing to do. I wouldn't even say, you know, that was the right thing because I think that it doesn't make any sense at all. And this is what the beauty of private member bills are, that they really do address common sense solutions to problems that we know that are occurring.

And we have seen . . . And I just want to take a minute to reflect on the member from Saskatoon Riversdale who gave a great introduction to this bill, and I think that she laid it out so well on March 13th, 2014. And I want to reflect on some of the things she said on Hansard because I think that she really hit it on the mark in talking about what this bill really is all about. She talks about dignity, respect, and safety. And that's the concern that we're hearing and we hear too many times, too many times.

And sometimes we get the sense that a paternalistic attitude exists in too many homes. Now I wouldn't want to venture a guess at how many, but even if it's one home, that's not the proper attitude when it comes to dealing with our Saskatchewan people in these homes. People should be treated with dignity and respect, and really that's the key to being successful. It's really the key to a successful, welcoming, nurturing home. And all of our brothers, sisters, aunts, uncles, parents, grandparents deserve such a situation.

And she reflects on her own parents. In my case, my mom, you know, is still with us, and she celebrated her 90th birthday back in November. We're very happy that's the

situation. And she is living quite well. But we all worry about the situation that may happen where that's not the case, and we really empathize and sympathize with the folks who do find their parents or brothers and sisters in personal care homes because it's a tough, tough situation and we want to make that as best as we can, as best as we can. So this is what this bill talks about. But we've had too many situations where, and we know this has happened in the House, where people have come to the legislature to bring their concerns forward because it seems to be falling on deaf ears within the system. And we really need to take leadership and this is the opportunity for this Chamber to take leadership in passing Bill 606. I think it's important.

But when people come forward like Carrie Klassen over a year ago, and then came back again just a few short weeks ago, to talk about her experience with her mother . . . And she doesn't blame the staff, you know. She made it clear that even with the place at full staffing, it is still understaffed and people are left in unseemly situations, whether it deals with in terms of going to the bathroom, getting woken up in the morning, all of those things, to the point that people are having to quit their jobs so they can look after their parents. That's not the kind of situation we want to see in Saskatchewan. So this is why this bill of rights is so, so important. And we need to make sure that the situation we find our, as I said, our parents, grandparents, and others can't be tolerated.

So Carrie Klassen came and talked about her situation. But then I want to take a minute and just address — and this is something that I know my colleague from Riversdale talked about — the Law Reform Commission of Saskatchewan. And it was a final report that suggests and made six recommendations about this particular situation. And they entitled it, Civil Rights in Saskatchewan Long-term Care Facilities. And I quote, and this is May 2013. Elderly people, I quote:

Elderly people and others in long-term care are entitled to the same respect as other citizens . . .

Violation of civil rights of long-term residents is a . . . [form] of abuse . . . [which] may range from life threatening abuse to simple disrespect for the autonomy and privacy of residents . . .

They go on talk about:

The focus of this paper is on violations of the rights of residents, particularly when they do not involve physical abuse, and particularly when they may not be effectively addressed by . . . [existing] protocols . . .

They go on, and I quote: “New steps should be taken to ensure civil rights are recognized in long-term care.” That's so, so critical. And I think we're at a point in Saskatchewan, you know, that we should step up. And we understand that you look across Canada, Ontario, Manitoba, BC [British Columbia], all have taken up this call.

So they have really made six proactive reports:

1. A residents' bill of rights should be required for all long-term care homes.

2. Legislation should set out a minimum standard for a residents' bill of rights, with each long-term care home drafting its own document.
3. Legislation should provide a default residents' bill of rights to apply in the event a long-term care home does not draft its own.
4. Each long-term care home should be required to prominently post its residents' bill of rights.
5. Legislation should provide an enforcement mechanism for the residents' bill of rights.
6. Reporting incidents of abuse against residents should be mandatory for staff and operators of long-term care homes . . .

So that's what it really talks about is proactive. They do talk about whether you need to have an independent agency. They felt not at this time and/or an independent advocate is not needed at this time.

But it goes and talks about how critically important this is. And we know that they have been talking about this for quite a while. And they talk about a report that has been dealt with at the federal, provincial, territorial ministers responsible for seniors talking about this. And they talk about studies across Canada.

And they talk about the issue that about paternalism, which I just alluded to, that we want to make sure that that's not the case in long-term care homes. In fact it's an atmosphere of dignity and respect. It talks about, quoting CNPEA [Canadian Network for the Prevention of Elder Abuse] that "In institutional settings, such forms of abuse are not always obvious. Subtle emotional harms may occur such as treating older people like children . . . and disregarding their wishes."

So it goes on and talks about this is something that they've been talking about for almost ten years, 2006. So that would be coming up fairly quickly. So we really need to step up and do the right thing here.

So they talk about really how we need to improve education. This is a step towards improving living conditions. And training in abuse awareness provided to staff is uneven across the provinces, that in fact that this is something that needs to be consistent. And my colleague from Riversdale addressed the inconsistent, uneven treatment and services provided to residents needs to be, really needs to be addressed.

Now they talk about Manitoba having a really proactive approach. They say in Manitoba, all long-term care homes must develop a residents' bill of rights that meet a legislative standard. That's what we're suggesting here. But both Ontario and British Columbia have legislative specific bills of rights for long-term care residents.

So this is something that's really, really important. It says, and I quote:

The Commission prefers the Manitoba approach because it actively engages the facilities and residents in designing protections for civil rights. Engaging these partners will assist in furthering the education function of the bill of rights.

So that's a good thing. So, Mr. Speaker, it's not just my colleague from Riversdale who's brought this forward. No, this is something that the Law Reform Commission of Saskatchewan is advocating for. And I think it's time that we do step up and we do pass Bill 606.

It does talk about . . . And I just want to take a minute to reflect on the preamble because that really sets the tone for the bill:

WHEREAS residents in care have the right to dignity, respect and safety;

WHEREAS residents in care deserve basic guarantees of the quality of care they ought to receive;

WHEREAS residents in care have the right to individualized care that meets or exceeds minimum quality of care standards; and

WHEREAS it is the responsibility of the provincial government to ensure consistent standards of care in facilities throughout Saskatchewan.

So that's the whereas. That's the frame that my colleague is suggesting, and I think this is appropriate. This is really appropriate, talking about basic guarantees, that people do have the right to individual care standards.

But we also have minimum quality of care standards. You can have both. You can have both, and it's really important that we understand that it is the responsibility of the government to set minimum quality of care standards. And we've had debates, we've had questions in the House at length about this. We understand and we support and this Act calls for residents in care having individual care, and that being prescribed or written out, and that people understand that that's the case.

Best practices really indicate individualized care. But there has to be a base, a minimum quality of care that people cannot fall below, and that staffing really needs to be there to address at least that. That has to be addressed at the very minimum, but hopefully we can get to a higher standard than that.

So it talks about what a bill must contain, and of course care plans that:

are specific to each resident;

are based on their abilities, physical, social, and emotional needs . . . cultural and spiritual preferences

[but also] comply with the minimum quality of care standards established by the provincial government through regulations.

. . . the right of residents [are] to be treated with courtesy and respect in a way that promotes their dignity and individuality;

the right of residents to be sheltered, fed, dressed, groomed, and cared for in a manner consistent with their needs;

the right of residents or their supporters to have the right to give or refuse consent to treatment, including medication, in accordance with the law.

the rights of residents, subject to safety regulations and the privacy rights of other residents, to be encouraged to exercise their freedom of choice whenever possible, including the freedom to do the following:

exercise their choice of religion, culture, or language;

communicate with . . . [visitors and friends and family];

choose their recreational activities;

choose the personal items that . . . [they may keep in the rooms];

select the clothing to be worn each day [their food];

And the rights of residents of reasonable privacy, and the right to be provided with a safe and clean environment, and the right of residents or their supporters to transparency and accountability, including several other things.

So, Mr. Speaker, I think this is an important piece of legislation. And I do really want to call on both sides of the House to give some consideration of this. I hope this gets to a vote. And I do hope that it can have some success and that people can give this some due consideration because I think it is a bill that we should be all passing. So with that, Mr. Speaker, I'll now take my place and adjourn debate. Thank you.