



INTERNATIONAL LONGEVITY CENTRE CANADA

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PARTICIPATION IN PUBLIC LIFE AND DECISION-MAKING PROCESSES

National and Local Legal Provisions and Policy Frameworks in Canada

In Canada, the Section 15 of the Canadian Charter of Rights and Freedoms guarantees equality of rights, stating that every individual is equal before and under the laws and has the right to equal protection and benefit of the law without discrimination. However, there are no specific national legal provisions or policy frameworks relating to the older persons and Public Participation and Decision-Making Processes (PPDMP).

Provinces and territories of Canada have their own human rights legislation that address the right to equality and prohibition of all forms of discrimination.

A prominent example of the exclusion of the voices of older persons can be found in the legislation, known as the "More Beds, Better Care Act", recently passed by the Ontario government. This legislation infringes upon older patients' fundamental rights to privacy and informed consent by permitting hospitals and placement coordinators to share their personal health information without consent and coercing them to move into long-term care homes against their wishes. The exclusion of older persons from the decision-making process of this legislation underscores a gap in provisions concerning the rights and autonomy of older persons in healthcare decisions.

Current Initiatives

There are several national and local recent initiatives that address and advocate for the rights of older persons. The National Seniors Council (NSC) advises the Federal Minister of Labour and Seniors and the Minister of Health on matters related to the health, well-being, and quality of life of seniors. The NSC considers the views of seniors, experts, organizations, and groups that provide seniors' programs and services, as well as other relevant stakeholders and interested parties. In 2023, the NSC held an online consultation to hear from people about ways to further support those wishing to age in their homes and communities for as long as possible.

Following national consultations, which included a public online survey and roundtables with elder abuse prevention stakeholders, the Government of Canada recently announced a new Federal Policy definition of Mistreatment of Older Adults. This definition is not legally binding but aims to facilitate a common understanding of the issue and "serve as a vehicle for culture change and public awareness," as well as to inform federal policies and programs.

Moreover, the Federal/Provincial/Territorial Ministers for Seniors Forum have released 'What We Heard' Reports, summarizing consultations on issues pertinent to older persons, such as the 'Social and Economic Impact of Ageism' and the 'Policy Definition of Elder Abuse.'

Several policy frameworks are available, including the 'Health Canada Policy Toolkit for Public Involvement and Decision Making' and the 'Health Canada and the Public Health Agency of Canada Guidelines on Public Engagement 2023'. While these frameworks offer guidance, they alone are inadequate in safeguarding the rights of older persons. This highlights the need for a legally binding Convention on the Rights of Older Persons to be implemented in Canada.

Data and Research

A focus on aging and late life are integrated into several national research initiatives. For instance, the Canadian Institute for Health Research (CIHR)'s Institute of Aging facilitates research, advocates for healthy aging, and tackles various conditions related to aging. In 2021, they established an Older Adult Advisory Council (OAAC) to guide and inform the Institute on research matters related to the health and well-being of older adults. The Institute also funds the Canadian Longitudinal Study on Aging.

Other notable initiatives include the Canadian Health Survey on Seniors (2019-2020) – undertaken by Statistics Canada as a supplement to the Canadian Community Health Survey; and reports published by the National Institute on Aging (a research institute based out of Toronto Metropolitan University).

Challenges and Barriers

The challenges to PPDMP encompass accessibility, inclusivity, discrimination, and systemic barriers.

There are a multitude of accessibility challenges, such as transportation barriers, particularly for those with disabilities, low income, and/or living in rural and remote communities. These factors may also result in limited or no access to the internet or technology. Language and cultural barriers, migration status, and gender norms also hinder PPDMP.

The Canadian Parliamentary Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities Report on “Advancing Inclusion and Quality of Life for Seniors” (2018) highlights and recommends that decision-making processes be inclusive by empowering and involving seniors in the decisions that affect them.

Conclusion

Despite Canada's commitment to equality, the lack of specific provisions for older persons' participation in decision-making processes highlights a significant deficiency. Urgent measures, such as implementing a legally binding Convention on the Rights of Older Persons, are imperative to safeguard the autonomy and dignity of older Canadians and ensure their full inclusion in societal decision-making.