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Chair: Ms. Iqra Khalid



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• (1105)

[English]

The Chair (Ms. Iqra Khalid (Mississauga—Erin Mills, Lib.)): I call this meeting to order.

Welcome to meeting number 35 of the House of Commons Standing Committee on Justice and Human Rights. We're continuing our study on elder abuse.

Really quickly before we get into the weeds, members and witnesses, please take note of the interpretation that is available for this meeting. At the bottom of your screen, you'll see a globe icon with the interpretation. Please select the language you'd like to listen to. You should be able to speak in any official language you choose.

Please note that before speaking, wait to be acknowledged by me. Also, before you speak, please unmute your mike. Speak slowly and clearly so that translation does not have any issues. Once you're done speaking, please put your mike back on mute.

This is a reminder that all comments should be addressed through the chair. With respect to the speaking list, Mr. Clerk and I will do our best to ensure that everybody who needs to be heard will be heard.

Before we welcome our witnesses, I want to address something very quickly with members of the committee. I'd like to inform you of a situation that occurred last time we met on Thursday, May 13. Due to technical issues, two parts of our meeting on Thursday did not have proper audio on ParLVU. We heard white noise instead. These gaps occurred when Mr. Moore and Mr. Virani were speaking. It was when they were questioning witnesses, specifically. We heard that white noise for a total of 11 minutes.

Unfortunately, it seems unlikely that our technical services will be able to recover the sound for those missing moments. We are expecting a letter from the head of the committees directorate about what happened. We have already received assurances that everything will be done to avoid any reoccurrence like this in the future.

I invite members, if they have any [Technical difficulty—Editor] witnesses.

Okay, not hearing any comments, we'll go ahead—

Mr. Randall Garrison (Esquimalt—Saanich—Sooke, NDP): I'm sorry, Madam Chair, from my end you cut out. I couldn't hear you speaking at the end, ironically.

I'm trusting that the Hansard record for those sessions still exists and will appear on the written record. If so, I hope then that the members of the committee will be satisfied with that, but since it wasn't my time that was whited out, I leave it to them.

The Chair: Thank you, Mr. Garrison.

I understand that it was recently confirmed that the Hansard records will be available.

Mr. Clerk, would you like to clarify that?

The Clerk of the Committee (Mr. Marc-Olivier Girard): Yes, absolutely, they will be.

The Chair: Okay, they will ultimately form part of our deliberations for the report.

Mr. Virani.

Mr. Arif Virani (Parkdale—High Park, Lib.): It's regrettable that it happened, but the fact that the Hansard records or the transcription is still available is sufficient for my purposes.

If we can just make sure that this doesn't happen again.... It's a pretty significant matter when parliamentarians are doing their work at committee and the committee records aren't in the form that we're expecting them to be in. If we can make sure that there are different measures put in place to ensure that there are live recordings, audio recordings, visual recordings, etc., on multiple fronts so that this doesn't occur again, that would be appreciated.

The Chair: Thanks, Mr. Virani. We have been given assurances that all measures will be taken to ensure that it does not happen again.

I want to clarify, Mr. Clerk. For the 11 minutes that are missing, will they be recorded or reported in the Hansard as to what happened in those 11 minutes or not?

The Clerk: No, they won't. The Hansard will be published, but without these two gaps, basically because the audio has been.... We have been unable to recover these two gaps. It applies also for our transcription team. There will be these two gaps in the written version of the meeting, unfortunately.

The Chair: Thank you, Mr. Clerk.

To clarify, we do not have in writing in the Hansard or in audio transcripts those 11 minutes from our last meeting of questions and answers between members and witnesses on this study.

Are members okay with that?

Also, obviously, we're taking steps to ensure that it doesn't happen again.

Mr. Arif Virani: Madam Chair, that's a bit of a different answer.

I'd be curious to hear what Mr. Moore thinks. The difficulty is that I didn't have the questions I asked in writing. Sometimes things are a bit extemporaneous, so it would be hard to recollect the exact questions I put to the witnesses.

We neither have the video recording nor the written transcription for those 11 minutes. Is that what you're saying?

The Chair: That's correct.

Mr. Arif Virani: They can never be retrieved. We've exhausted all possibilities.

The Chair: That's correct.

Mr. Moore, if you want, you can provide your insight.

Hon. Rob Moore (Fundy Royal, CPC): Sure. We have witnesses here, and I don't think anything can be done. Madam Chair, you've probably done everything that can be done. If these comments and questions are lost.... I don't think any of them were ever going to be made into a heritage moment or anything like that. It's being addressed, so I think moving on would probably be the best thing.

The Chair: All right. Thank you very much for that, Mr. Moore.

Are there any other comments on that? I'm not seeing any.

We'll invite our witnesses and thank them very much for being here today.

• (1110)

[*Translation*]

From the Canadian Bar Association, we have Jessica L. Lyle, chair, Elder Law Section, and Jody Berkes, chair, Criminal Justice Section.

[*English*]

We also have CanAge, represented by Laura Tamblyn Watts, who is the president and CEO, and Haley Mason, policy officer.

[*Translation*]

We also have the FADOQ network, represented by Gisèle Tassé-Goodman, president of the provincial secretariat, and Danis Prud'homme, executive director of the provincial secretariat.

[*English*]

Before we go to the opening remarks, I'll draw your attention to my one-minute and 30-second time cards. They will help you keep time for your opening remarks.

We'll start with The Canadian Bar Association.

You have five minutes. Please go ahead.

Ms. Jessica L. Lyle (Chair, Elder Law Section, The Canadian Bar Association): Good morning, Madam Chair and honourable members of the committee, and good afternoon to those of you in Nova Scotia.

My name is Jessica Lyle, and I'm the chair of the Canadian Bar Association, elder law section. With me today is Jody Berkes, chair of the Canadian Bar Association, criminal justice section. Thank you for inviting the Canadian Bar Association to participate in your committee's study of elder abuse.

I join you today from the traditional territory of the Mi'kmaq people. This territory is covered by the treaties of peace and friendship, which Mi'kmaq and Wolastoqiyik (Maliseet) people first signed with the British Crown in 1725.

The CBA is a national association of more than 36,000 lawyers, notaries, law teachers and academics. An important aspect of our mandate is to seek improvements in the law and the administration of justice. That is what brings us here today.

We would like to commend the federal government's support for older Canadians in the 2021 federal budget. The support comes on the heels of the CBA's recent calls for improvement of long-term care, including the creation of a pan-Canadian elder abuse strategy.

We are not here to recommend any changes to the Criminal Code. Parliament nonetheless has a vital role to play in combatting elder abuse. We recommend the pan-Canadian elder abuse strategy, starting with the following five points:

First, legislate universal minimum standards for long-term care facilities. Clear minimum standards would ensure these most vulnerable members in our society receive the care they need. Additionally, where a facility failed to meet the standards, they would serve as clear evidence for prosecutions.

Second, law enforcement must recognize elder abuse as a criminal offence, not a private matter between families or individuals.

Third, provide specialized and appropriate training to police and Crown counsel for prosecuting elder abuse. A dedicated case management system, including the use of testimonial accommodations, should also be considered.

Fourth, hold corporations that fail to prevent elder abuse in their facilities accountable. Sections 22.1 and 22.2 of the Criminal Code provide that, in addition to the individuals charged, the corporations employing these individuals may be held accountable for the same offences.

Fifth, increase resources for education and community support. For example, legal aid resources and specialized clinics are extremely limited in Canada, with only two permanent clinics: one in Vancouver and one in Toronto.

I will now ask Jody Berkes to address additional issues.

Mr. Jody Berkes (Chair, Criminal Justice Section, The Canadian Bar Association): Thank you, Jessica.

The criminal offences listed in our submission already cover activities that fall within the category of elder abuse. Furthermore, some of the offences, for example, theft by a person holding power of attorney in section 331 of the Criminal Code, already address a unique aspect of elder vulnerability. We believe increased resources and training around enforcement are better measures to combat elder abuse, not new offences.

One of the most significant issues in elder abuse is the vulnerability of the complainants in a relationship involving a significant power imbalance. There are several tools already in the Criminal Code to provide for testimonial aids to support vulnerable witnesses, such as the use of support persons in the courtroom, allowing witnesses to testify via closed circuit television, which is found in section 486.2 of the code, and an ability in the Criminal Code to use a videotaped statement as a witness's evidence in chief, provided they adopt it at trial, which is found in section 715.2 of the Criminal Code.

We note that the Advocacy Centre for the Elderly and CanAge have suggested the creation of a new offence to this committee. With respect to that position, this proposed offence is already covered by the existing offence of criminal negligence causing bodily harm or death. Additionally, the vulnerability of complainants in the criminal justice system is addressed through the mechanism of release conditions that prohibit contact between the accused and the complainant. Similarly, any attempt to intimidate or dissuade a complainant from testifying is already punishable under the Criminal Code.

Elder abuse and neglect are often cited as being where domestic violence was 20 years ago, when policy was undeveloped and Crown counsel and the police did not have sufficient understanding, tools or clear direction to address the power and control dynamics within the victim-abuser dyad. As a greater understanding of domestic violence evolved, improvements to its framework were made. We suggest that the same approach be employed in the case of elder abuse.

Thank you again for the opportunity to appear today. We look forward to answering questions you may have.

• (1115)

The Chair: Thank you very much for that.

We'll now go to CanAge.

Please go ahead. You have five minutes.

Ms. Laura Tamblyn Watts (President and Chief Executive Officer, CanAge): Thank you very much, Madam Chair and members of the committee.

My name is Laura Tamblyn Watts, and I'm the president and CEO of CanAge, Canada's national seniors advocacy organization. We are a pan-Canadian, non-partisan, not-for-profit organization. We work to advance the rights and well-being of Canadians as we age and ensure that older Canadians can live vibrant and connected lives.

With me today is Haley Mason, policy officer at CanAge, with whom I will be co-presenting. I will present the first portion of our oral submissions, and Ms. Mason will conclude. CanAge will di-

vide its comments into the three substantive areas: criminal justice reform, prevention and awareness, and responses and research.

Our first recommendation is to create an elder abuse and neglect specific Criminal Code charge. I have studied the work of criminality in elder abuse for more than 20 years, and there is little that indicates that this is not appropriate. With great respect to my colleague, I do think it is time for a criminal elder abuse charge. Police involvement, charging and the criminal justice system have been minimally involved in elder abuse and neglect. There has, by contrast, been frustration from the public and from officers that they do not have the needed tools to adequately respond to the increasing spread and impact of elder abuse and neglect. There is coverage missing.

It's important to create a Criminal Code provision for ease of charging for types of abusive or neglectful behaviour that do not fall squarely within the commonly existing highlighted provisions of underlying offences. There are, quite simply, gaps in the Criminal Code related to elder abuse and neglect that need to be filled. Although having a charge for criminal elder abuse and neglect is important for the goal of deterrence, specific charges make a clear message that abuse of vulnerable older adults is not just a civil matter and provides scope for multiple charges to be laid.

The oft-cited section 215, failure to provide the necessities of life, is, in fact, a charge very rarely laid. In the elder abuse and neglect context, this charge is typically only laid in the most extreme and profound circumstances, such as leaving an older person in an unheated garage to die of starvation and sepsis due to untreated wounds. Much abusive behaviour of older adults deals with the blocking or restraining of liberty, the invasion of privacy, and predatory types of tracking, grooming, and coercion.

CanAge has had the benefit of reviewing the materials from the Advocacy Centre for the Elderly and is supportive of considering their suggestions for new charges of criminal endangerment. However, CanAge would like to draw attention to the recently considered Bill C-218 on controlling or coercive contact within intimate relationships which this committee has heard recently.

I'm going to turn now to my colleague, Ms. Mason, to continue.

Ms. Haley Mason (Policy Officer, CanAge): Thank you, Laura.

Our next recommendation is regarding the prevention and awareness of elder abuse and neglect.

Recommendation B.6 is regarding funding. Provide sustained and appropriate funding for elder abuse and neglect response on par with domestic violence funding. Particularly provide dedicated support and funding to the Canadian Network for the Prevention of Elder Abuse, CNPEA, and other elder abuse and neglect response and educational agencies or organizations.

Recommendation 7.B is regarding awareness. Support and implement a national elder abuse response strategy. As part of the NEARS, integrate the new Criminal Code provisions, including training and awareness campaigns.

Recommendation 8.B is regarding data reporting. Require federal, federally funded or federally regulated agencies to collect desegregated data on elder abuse and neglect and the experiences of older adults in segments more defined by narrower age groups. Sixty-five plus is too large a group, and disaggregated data should also include other self-identified characteristics to better understand marginalization and intersectional impacts on older adults.

Next is responses and research.

Recommendation 9.C is regarding PIPEDA. Amend PIPEDA to better allow financial institutions to report abuse. Amend section 7(3)(d.3) to (a) define “financial elder abuse” and “mental capacity”, (b) update the list to whom disclosure can be made, and (c) link to provincial and territorial responses.

Recommendation 10.C is regarding research. Release the groundbreaking elder mistreatment study research “Into the Light” by Dr. Lynn McDonald submitted to government in 2015-16. This landmark report was funded by the Government of Canada, with additional funding from the provinces and territories. It was the largest study in Canada on elder abuse and neglect and one of the largest and leading studies globally. However, for unknown reasons, this study has never been formally released by government. A small portion can be found online.

Additionally, the Government of Canada must invest in research to better understand and respond to elder abuse and neglect, including funding the NICE network.

Thank you.

• (1120)

The Chair: Thank you very much, Ms. Mason.

We'll now go to our last, but definitely not the least, presenter, Réseau FADOQ, for five minutes.

Please go ahead.

[*Translation*]

Ms. Gisèle Tassé-Goodman (President, Provincial Secretariat, Réseau FADOQ): Thank you, Madam Chair.

Members of the House, my name is Gisèle Tassé-Goodman and I am the president of the FADOQ Network. I am accompanied by Danis Prud'homme, executive director of our organization.

I would first like to thank the members of the committee for this invitation.

The FADOQ network is a group of people aged 50 and over with over 550,000 members. The goal of all of our political representations is to contribute to the improvement of the quality of life of seniors. Sadly, we must once again speak out about the scourge of elder abuse.

In the midst of the COVID-19 crisis, ageist-tinged actions and words have multiplied. In fact, our organization sent correspon-

dence to the Human Rights and Youth Rights Commission, as the rights and freedoms of seniors had been severely curtailed with the lockdown, and age-related invective was rife.

One thing that stands out particularly is the public statement by Patrick Levy, owner of Montreal's Olympia, that people 65 and older should not be admitted to indoor shows and events in order to promote the rapid recovery of this industry. This type of statement is unacceptable, inconceivable and, of course, intolerable.

Although age discrimination is prohibited by the Charter of Rights and Freedoms, too few reports are made about it. Many people are unaware that they are experiencing ageism or lack the courage to take action on it. It is important that the federal government conduct a national communication campaign to talk about this form of discrimination as well as the remedies available to victims.

Age discrimination is common among experienced workers. Invective is rife, and work organization is poorly adapted to the needs of these workers, who bear the brunt of a deficit in continuing education. Statistics show that the unemployment rate increases with age, which indicates particular difficulties for these workers. Our organization hopes that governments will support experienced workers more actively in order to encourage them to remain in the labour market. The measures put in place must address continuing education, guidance services and reintegration for the benefit of these workers.

Abuse of any kind must be condemned and punished. Since abuse is frequently the act of someone close to an older person, it is important to ensure that victims are made aware of this issue. With government funding, workshops could be offered by organizations so that seniors can recognize unacceptable situations. This awareness work must be done primarily in seniors' living environments and places frequented by seniors. It is also possible to approach this topic from a best practices perspective. Our organization puts a lot of emphasis on proper treatment. It is a concept that focuses on the well-being and safety of the individual.

Finally, the FADOQ network wishes to address the issue of organizational abuse. This concept refers to any harmful situation that is created or tolerated by the procedures of organizations responsible for providing care or services, and that compromises the exercise of the rights and freedoms of individuals. For a number of years, the Quebec health care system has been under constant stress. The lack of human resources, successive reforms and the lack of investment in the system mean that patients do not have access to quality care and services.

Nevertheless, provincial and territorial health care funding consumes 40% of their budgets, while the Canadian government funds only 22% of these expenditures. It is important that the federal government provide greater support to the provinces and territories, which are struggling to cope with the burden of rising health care costs. Medical advances and an aging population will increase health care spending for the provinces and territories. In order to make up for this underfunding, Réseau FADOQ is asking the federal government to index the Canada Health Transfer by 6% annually. It would also be appropriate to include a variable that takes into account the aging of the population of the provinces and territories in the calculation of the amounts allocated to them.

I would like to thank the members of the committee for listening to us. My colleague Danis Prud'homme will answer questions. I may choose to answer them as well.

• (1125)

[English]

The Chair: Thank you very much.

We'll now go into our first round of questions of six minutes each, starting with Mr. Moore.

Hon. Rob Moore: Thank you, Madam Chair.

Thank you to our witnesses for appearing today on this important topic.

To the Canadian Bar Association, you mentioned in your testimony the need to treat some situations as Criminal Code matters and not as private matters. I think I know where you were going with that, but could you expand on that a bit, how some matters involving elder abuse, senior abuse, tend to be grouped more as private family matters and not as the Criminal Code offences they actually are?

Mr. Jody Berkes: With your permission, Madam Chair, I can answer that.

Thank you for that really important question, which deals with enforcement.

The Criminal Code is there to enforce just sanctions against people who commit criminal offences. In the context of domestic assaults, to borrow an earlier example, 20 years ago when there was an assault in a domestic context between husband and wife, between a boyfriend and girlfriend or between partners, the police would often come in and separate the parties and say, "You guys need to work this out. This is between the two of you." That left too many victims vulnerable to continued abuse: Abuse was swept under the rug, hidden away from the public view. It was only after a concerted effort by the provinces, by law enforcement and by advocacy groups to bring this kind of abuse to light that things actually started to be prosecuted in the Criminal Code. Now there is robust prosecution.

The same analogy can be drawn in the context of elder abuse. For far too long, police would come in, do an investigation, speak to one of the parties—usually the party controlling the complainant in the matter, the elder in the matter—and say, "You know, they're just crazy", or they're this, that or the other thing. Care wasn't taken to remove the potential victim from the situation and talk to them

one on one in a way that would allow for a different form of communication, talk to them in a way that would account for the fact that he might be afraid to come forward and name their abuser and say, "I am fearful for my life or safety."

We need training of law enforcement officers on how to ask the right questions in the right way to develop that evidence. Then there needs to be a will to bring these charges forward—not to view this in the context of a purely family matter or private matter where the police come in and just say, "There, there, just calm down. Everyone just separate for a bit. Then we're going to go away." These cases need to be investigated properly and then prosecuted vigorously. That is the context I am talking about.

Thank you.

• (1130)

Hon. Rob Moore: Thank you, Mr. Berkes, for that answer.

To CanAge, there's a lot of discussion about a controlling relationship, people not being on an equal footing. From your work as an advocacy group for older Canadians, can you explain a bit how that evolves and why it's so important that we treat this differently from how we do other matters?

Ms. Laura Tamblin Watts: The coercive and controlling behaviour report, which I know this committee was recently reviewing, came out with key recommendations. They dovetail extremely well with elder abuse, as well. Because some of the engagement could include keeping people away from other people, making sure there is an interruption in the flow of their lives, in terms of coercive or near-coercive behaviours, it's CanAge's recommendation that report number 9, "The Shadow Pandemic: Stopping Coercive and Controlling Behaviour in Intimate Relationships", would be appropriate if expanded to elder abuse and neglect.

For clarity, the recommendation was as follows:

Everyone commits an offence who repeatedly or continuously engages in controlling or coercive conduct towards a person with whom they are connected that they know or ought to know could, in all the circumstances, reasonably be expected to have a significant impact on that person and that has such an impact on that person.

Again, the recommendation from the committee was around considering a hybrid offence with a maximum of five years imprisonment. The expansion of this particular provision would be appropriate to consider beyond intimate partner and domestic violence relationships to include the elder abuse sphere, as well.

Hon. Rob Moore: Thank you for that.

Can you expand a bit? What are some of these typical behaviours that you may see that are crossing the line, as you see it, in that relationship perhaps between caregiver or family member and older Canadian?

Ms. Laura Tamblin Watts: It is true that about three-quarters of all abuse and neglect that does not consist of scams or frauds is perpetrated by those closest. That, of course, is analogous to domestic violence and intimate partner violence.

There's blocking behaviour. There is behaviour that keeps people away from activities. There are behaviours that look like stalking, harassment and coercion. They are very much based on not letting them see their grandchildren unless they do these things for them.

It's that exchange of power and control that we think of often in domestic violence relationships that is deeply analogous in elder abuse, as well.

Hon. Rob Moore: Thank you.

The Chair: Thank you very much, Mr. Moore.

We will now move to Madame Brière for six minutes.

Mrs. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Madame Chair, and thank you to all of our witnesses today.

My first question will be directed to Mr. Berkes of the Canadian Bar.

[*Translation*]

In your presentation, you indicated that you felt the Criminal Code was sufficient to address elder abuse.

Indeed, sometimes when we want to be too specific, we can miss the goal post. However, do you think there should still be some changes to the Criminal Code to better address the problem we are discussing this morning?

[*English*]

Mr. Jody Berkes: Thank you, Madam Chair, for the question.

I am sorry if I misstated this earlier. To be clear, I do not believe any amendments to the Criminal Code are necessary. We need more vigorous enforcement of the offences that are already there.

As the member pointed out quite rightly, if we craft an offence that is too specific, we may end up creating loopholes, so that if we don't prosecute with such specificity, the guilty might escape on what the public perceives as a technicality, but is really.... Criminal legislation is always strictly constructed and strictly applied because we are dealing with fundamental rights such as the liberty of an accused person.

I would point out that the offence that CanAge and other advocacy organizations propose is exactly the same as the offence of criminal negligence. I can tell you the offence of criminal negligence criminalizes anyone who's criminally negligent who, in doing anything or in omitting to do anything they are obliged to do, shows wanton or reckless disregard for the lives and safety of other persons.

This offence is tailor-made to prosecute elder abuse. Long-term care facilities are under legislative obligations to provide for the needs of their clients. If they act in a way that is harmful or fail to act, in a way that causes harm, this offence squarely criminalizes that conduct. Not only would the perpetrator of that conduct be liable criminally, but potentially the organization would be as well, through the use of sections 22.1 and 22.2 of the Criminal Code. That legislation was brought forward in response to the Westray mine tragedy out east. It allowed corporations to be similarly prosecuted. If you want to get at the heart of profit-making, you must prosecute these corporations.

I apologize if I was unclear before. All of the tools are there in the Criminal Code. We need the will and the training to use them to prosecute elder abuse.

Thank you.

• (1135)

[*Translation*]

Mrs. Élisabeth Brière: Thank you.

How can we get these cases reported more often?

[*English*]

Mr. Jody Berkes: Certainly, we need to start on the ground. Organizations such as CanAge and others have done a brilliant job of educating the police on how to investigate these types of offences in a careful, considered and victim-focused fashion.

We need to ensure that the police who prosecute these offences receive that training. Once a charge is laid, the Criminal Code provides for protections for claimants from accused persons. There are bail conditions and release conditions that require that an accused person not contact directly, or indirectly, an alleged victim, not be within 100 meters, and not be in restricted areas. All of these protections come into play once a charge is laid. The first step would be to help these organizations train the police.

The federal government has a role to play in legislating mandatory minimum standards for long-term care facilities, and in creating centres of excellence where police forces and Crown prosecutors from across the country can be trained in order to have uniform tools, applications and a knowledge-base. All of these are within the federal mandate. All of these would increase accountability for elder abuse, which must be stopped.

Mrs. Élisabeth Brière: Thanks again.

[*Translation*]

I'll now speak to the FADOQ representatives.

I would like to take this opportunity to highlight your two initiatives, "Par la fenêtre" and "Prenons soin des autres: une chaîne téléphonique solidaire", which enabled you to reach more than 140,000 seniors during the pandemic. I congratulate you on this fine work.

When you called seniors, were there any new problems that you could see? What was the most prevalent problem among our seniors?

Mr. Danis Prud'homme (Chief Executive Officer, Provincial Secretariat, Réseau FADOQ): Thank you for your question.

We became aware of a very significant problem, which was that people felt very isolated. One of the reasons for this was that there was a temporary pause in home care while health instructions were sorted out. Unfortunately, that temporary pause became very long.

Three-quarters of the people who were receiving care, the majority of them, got worse, because they didn't get the care they needed and because some of the basic things they couldn't do themselves weren't done.

We indirectly witnessed what can be called organizational abuse. Because people were not cared for and their care was stopped, the health of some of them deteriorated, both emotionally and physically.

Mrs. Élisabeth Brière: Thank you.

The Chair: Thank you, Mr. Prud'homme.

[English]

We'll now go to Monsieur Fortin.

[Translation]

Mr. Fortin, you have the floor for six minutes.

● (1140)

Mr. Rhéal Fortin (Rivière-du-Nord, BQ): Thank you, Madam Chair.

I thank all the witnesses who are here today. Their presence and testimony are valuable and will inform our work going forward. Elder abuse is not a trivial topic.

My questions are for the representatives of FADOQ.

Mr. Prud'homme answered the last question, but I am also interested in what Ms. Tassé-Goodman said. Indeed, the issue of increasing health transfers has always been a priority and an essential one, but I think the pandemic has highlighted major funding shortfalls in the health system and social systems in general. I am glad to hear this testimony, which I think is relevant and insightful.

That said, we are dealing with the issue of elder abuse in relation to the services to be provided, but also with a view to determining whether or not new provisions should be enacted in the Criminal Code to penalize the unacceptable situations that our seniors experience.

You probably heard the testimony from representatives of the Canadian Bar Association, who tell us that they believe the necessary provisions are already in the Criminal Code. I can understand their position. Their view is that we need to find a way to implement them and perhaps provide training to the various players in the justice system, judges, lawyers and so on. That is an interesting point of view. I would like to hear from Ms. Tassé-Goodman or Mr. Prud'homme on this issue.

In FADOQ's view, are the current measures in the Criminal Code sufficient to properly regulate everything that can harm the elderly, or should amendments be adopted?

Mr. Danis Prud'homme: Again, thank you for your question.

There are several aspects to this. In Quebec, there is a complaint review system, and a bill has been introduced to strengthen these

reviews, first, and to include complaints related to organizational abuse as a second step. Of course, it doesn't have everything right now, as there are requests to add things.

Also, as the chair mentioned, we have asked the Human Rights and Youth Rights Commission to provide for criminal sanctions when there is neglect, abuse, ageism, isolation, control, in short, anything that involves abuse or violence.

To conclude, the United Nations is currently working on an international convention on the rights of the elderly. This has shown that all over the world, although penal systems exist, there are still a lot of gray areas in terms of different things that affect the elderly, which allows people to escape punishment. So on that side as well, it's very important to make sure that all the details are there.

Mr. Rhéal Fortin: Thank you.

You tell us that you are working on a project to add criminal penalties, but are legal advisors overseeing this work, or are you receiving other types of advice?

The Criminal Code has provisions, but it's often a question of whether or not they're being properly enforced.

Have you looked at this issue? Are the tools currently available being used well or not?

Mr. Danis Prud'homme: There are two things. In fact, I think we certainly have tools that can do the job if we want to go forward in that direction. On the other hand, the definitions of the various forms of abuse and violence are not specific enough with respect to the tools that we currently have. That's what we're hearing, and that's why we think there needs to be a major overhaul of the complaint review system, as well as the consequences when it is determined that the complaint has merit and there's a prosecution.

Mr. Rhéal Fortin: What type of complaint is not covered?

The Criminal Code already covers assault, murder, forcible confinement, and so on.

Can you think of a specific type of behaviour that is not covered that should be covered?

Mr. Danis Prud'homme: Actually, it remains to be proven that this would be covered. For example, there are people who forget or fail to give someone medication, forget to provide hygiene care, force-feed them rather than taking the time to feed them, or control the person rather than taking the time to let them do what they can do.

These things are not all black and white in the provisions that we have, and that's why the definitions need to be much more specific about the needs of older people.

● (1145)

Mr. Rhéal Fortin: I understand.

You're talking to me about this in the context of seniors' residences, among other things. In the private realm, for seniors living alone or with families, are there issues of this nature as well, or is it different?

Mr. Danis Prud'homme: This was mentioned earlier by another witness, but unfortunately we know that seniors often experience neglect or abuse from family caregivers. Yes, it does happen.

Mr. Rhéal Fortin: Thank you.

I would have loved to hear you talk about the UN, Mr. Prud'homme. I know that you worked there for some time. You tell me that they are working on a charter of rights for seniors. It would be exciting to hear more about that, but my time is up. Perhaps someone else can address that in the second round.

Thank you very much for being with us today.

The Chair: Thank you, Mr. Fortin.

[*English*]

I really appreciate that.

We'll now go to Mr. Garrison for six minutes.

Mr. Randall Garrison: Thank you very much, Madam Chair.

Thank you to all of the witnesses for being with us today.

I want to start with a question for CanAge. I first want to thank you for bringing up the parallel of coercive and controlling behaviour. As I'm sure the witnesses are aware, it's a subject very dear to my heart.

What we heard in testimony on that was that domestic violence legislation often was too incident-focused and too focused on the most severe incidents for it to be used effectively against domestic violence. I'm assuming that's the point you're making here.

Is there something lacking when it comes to patterns of neglect that we're trying to get at here through an amendment to the Criminal Code?

Ms. Laura Tambllyn Watts: Thank you so much. It's precisely that.

With great respect, I do know that there are, of course, fundamental building blocks: things like assault, theft and criminal responsiveness. However, there is an importance to naming elder abuse. There are gaps in patterns of behaviour around violence that do not necessarily get captured alone.

We also are not afraid of the Kienapple principle, where you may have one or more charges that overcome each other. You may have an impaired driving charge from having been over the 0.08 limit. It doesn't mean that you may not also have an assault, a theft, a fraud or a theft charge pursuant to a power of attorney charge, but that controlling behaviour, that pattern of abuse, is not captured as such in the Criminal Code.

We believe, like we did with other designated offences—such as intimate partner violence, as has been considered by this committee—that elder abuse falls into that category as well.

Mr. Randall Garrison: Thank you very much.

I'll go to the Bar Association, then, and ask about the function of denunciation, which I think Ms. Tambllyn Watts is talking about. That as well as listing the specific offences, the Criminal Code does

serve a social function in specifically denouncing certain kinds of behaviour as criminal, as not acceptable.

The Bar Association has argued that things are already covered in the Criminal Code. It's hard, then, to explain why charges aren't being laid or why we haven't seen any prosecutions, for instance, of corporations for neglect in long-term care.

Are you really certain that we couldn't get at this better with a specific offence of criminal endangerment that would go alongside other offences, as Ms. Tambllyn Watts points out?

Mr. Jody Berkes: Thank you very much for the question, Madam Chair.

It's a very good question, and I think the member brings up an interesting point. In that proposed legislation, there is no element that's different from the current element of criminal negligence. All of the elements are exactly the same, so it's not even a kind of an issue; it's a duplication of offences.

It's not that the tools aren't there. It's the willingness to use the tools that are there.

You talk about denunciation. Section 718.2 of the Criminal Code talks about sentencing principles. It reads:

(a) a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances.

Subparagraph 718.2(a)(iii) reads:

evidence that the offender, in committing the offence, abused a position of trust or authority in relation to the victim.

That is exactly the dynamic that's present in elder abuse, so the code already allows for an aggravating feature to bring a longer sentence, a harsher sentence. That is how society exhibits denunciation, in the sentencing principles. A justice who hands down a sentence is not only entitled to but is obliged to call out that specific dynamic in the elder abuse and to say, "Normally I would sentence you to a year, but I am sentencing you to 18 months to account for the fact that you took advantage of your elderly parent, who trusted you, who raised you, who loved you, who guided you, and who you were obliged to show that same respect to."

With the greatest amount of respect, that's there already. What we need to do is to get the police and the prosecutors to investigate, and the prosecutors to prosecute.

● (1150)

Ms. Jessica L. Lyle: With the permission of the chair, I just want to chime in and add one piece to that. I think the focus here today is very much on the Criminal Code, but the bigger point is that this is not just about the Criminal Code; this is about education and using it.

This is why we're talking about a pan-Canadian strategy. This is why we're talking about those minimum standards, but it's also why we're talking about special training for prosecutors, for police, for judges who also, of course, respect judicial independence.

Mr. Randall Garrison: Thank you very much, Ms. Lyle, but with the greatest respect to both of you, when you say that it's already in the Criminal Code, elder abuse is not specifically there, so what you're talking about is abuse of trust, and you're expecting those to insert elder abuse into their reasoning.

I want to turn to another proposal, and that is to create an offence that would make retaliation against complaints in places like long-term care an obstruction-of-justice offence. Again, I would assert that while you may say there are obstruction-of-justice offences there already, it might be useful to add a very specific offence with regard to retaliation against complaints in long-term care.

Could I get your thoughts on that?

Mr. Jody Berkes: Thank you for the question.

In terms of the suggestion that there isn't a specific offence called "elder abuse", neither is there a specific offence called "domestic abuse". It's captured under "domestic assault". "Domestic assault" is a basket term, but the offence of simply assault—

Mr. Randall Garrison: Yes, that's why we're proposing a "controlling and coercive behaviour" amendment to the Criminal Code. That's exactly why we're doing that.

The Chair: Thank you.

My sincerest apologies. We're out of time for Mr. Garrison there. Perhaps we could pick this up in the next round.

We are moving to our second round of questions, starting with Mr. Lewis.

Mr. Lewis, you have five minutes. Please go ahead.

Madame Findlay, I don't see him on the screen.

Hon. Kerry-Lynne Findlay (South Surrey—White Rock, CPC): I know he is having Internet connection problems, and for some reason I thought it was Mr. Cooper's turn.

The Chair: Okay. Well, if Mr. Cooper wants to go ahead....

I have on my sheet here that it's Mr. Lewis, but Mr. Cooper, please go ahead.

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Go ahead, Kerry-Lynne.

Hon. Kerry-Lynne Findlay: All right. It's a little confusing with the Internet issues.

Thank you, all, for being here with us today. We really—

The Chair: I'm so sorry, Madam Findlay. Can you please move your boom down?

Hon. Kerry-Lynne Findlay: Sorry. All right, I have it now. I wasn't expecting to be on right now.

Thank you, all, for being with us today. We certainly appreciate it.

I would like to start with having the witnesses speak to what they felt they couldn't finish in these last questions.

Please go ahead and more fully answer.

Ms. Jessica L. Lyle: I'm going to jump in here. Thank you for that.

I think part of what seems to be missing from this.... The CBA has two national resolutions, and our resolution that the Criminal Code is sufficient is from 2011. That continues to be the position of the CBA, until we have a change. That is where this position starts with.

Part of our point is that there needs to be a lot more education on a more societal basis. The tools may be there and, yes, possibly they could be enhanced; that's not what the CBA is here to discuss today.

My concern is that, for example, where domestic violence comes to, "We separated the two individuals. We talked to them separately and asked them to figure it out", on the elder-abuse front, often what creates the shades of grey is the introduction of the issue of dementia. Dementia is time-specific, activity-specific, it's location-specific. There needs to be much more implementation of that national dementia strategy, and having those conversations with all of the members of the justice community so that they understand that just because somebody is apparently incapable at the time doesn't mean that the suspected abuser gets a pass.

That's the point I want to convey. It's so much more than just the provisions of the Criminal Code. It's actually using them, whether there is a new one or it's the existing ones. That, to me, is not the issue. The issue to me is supporting those people on the front lines who are making these decisions, who are in place, so the police who want to lay charges have the support of the prosecutors and judges who understand what's going on. That was really what I was trying to add.

Thank you.

• (1155)

Hon. Kerry-Lynne Findlay: That was well said. Thank you very much.

Having a former legal practice and doing a lot of family law that intersected with elder abuse issues, I understand that some of the big issues in prosecution are the willingness of witnesses. Sometimes they themselves maybe don't realize that what is happening to them is abuse. Secondly, they don't realize they have options. Thirdly, when it comes time to prosecute, often older people who are vulnerable, perhaps financially and emotionally, are afraid of the consequences of speaking up.

What I've seen with police officers is often, "Well, if we get them into a safer situation, let's just let it go, because all of that is very complicated."

I'm interested in what the Canadian Bar Association sees as a way to support elders who are able to come forward. With children, we have things like child advocacy centres, for instance, because children are vulnerable.

Is there something you see as a way forward that perhaps the federal government could fund or support that would help take what is already in the code, or just common decency, into action for the elderly?

Mr. Jody Berkes: Certainly, Madam Chair. Thank you for the question.

It's an important question, because once again, I think the committee is focused on writing legislation that will somehow magically make this problem disappear and prosecute people. Even new legislation is going to require evidence. Evidence comes from witnesses. Witnesses who are safe and secure and receive proper supports in telling their story tell the most effective story—compelling stories. Those stories are what inform judges, what causes them to adjudicate matters, what causes them to find guilt in appropriate cases where elder abuse has happened.

What you need to do is to fund the same thing in the domestic sphere. You need to provide support to people to help these victims tell their stories. You need to provide resourcing to police divisions, to police associations, to police forces, to allow them to videotape that testimony so when issues of competence arise later, that videotaped testimony can be introduced under section 715.2 of the Criminal Code.

I see that I'm just about out of time.

Hon. Kerry-Lynne Findlay: Those are some good suggestions. Thank you.

Thank you, Madam Chair.

The Chair: Thank you, Madam Findlay.

[Translation]

Now it is Mr. Virani's turn to ask questions.

You have five minutes at your disposal.

Mr. Arif Virani: Thank you, Madam Chair.

First I want to thank all of the witnesses very much for their testimony.

[English]

Thank you very much for being here. It's been a very robust discussion.

I'll give a special shout-out to Ms. Tamblyn Watts, who happens to be my constituent as well. Thank you for all of your work in this area, your lecturing in this area in your work with CanAge and for your advocacy, specifically also during this pandemic when advocating for seniors has become the norm for all of us because of what we've seen over these last 15 months.

Let me start with you, Ms. Tamblyn Watts. We've had this rife discussion over the last 45 minutes between amend and don't amend.... I heard what you said most recently to Mr. Garrison. In about 90 seconds possibly, can you give us your perspective on why you feel the current laws are insufficient and that a new charge should be enacted?

Thanks.

Ms. Laura Tamblyn Watts: There are gaps in the law that do not necessarily meet the underlying basis that we have right now. Police—and I teach police across this country—consistently say that they do not have the tools they need to move from what they

know is problematic and criminal behaviour and work with that in the code.

We also know, of course, that many of these behaviours are forms of patterned behaviour like other forms of abusive behaviour, and we need to call those out as well. We need to name abuse before we can even think about responding to it or moving to sentencing. If we cannot name them, if we cannot charge them, we stop there, and that's a problem.

• (1200)

Mr. Arif Virani: Thank you for that. It's a bit about that symbolic denunciation piece that you mentioned earlier as well.

I'm going to pivot to something, and I'm going to ask you first and then Mr. Berkes.

Tell me about the notion of prohibition orders. What I mean by that is this concept. You teach all of this kind of stuff, but for the purposes of everyone's understanding, whether they are current provisions in the code or a potential new provision, if someone is found guilty of some form of elder abuse, and on sentencing, a prohibition order could be issued saying, "Thou shalt not work in a sector that deals with seniors for a period five years, 10 years, etc.", would that be a good idea? Do we have that tool currently, or would this need to be amended into the code to make that possible?

Ms. Laura Tamblyn Watts: In my respectful view, there is probably a way you could squint at it right now and try to get people not to work in certain areas. Here, of course, we're looking at paid caregivers, perhaps either in the private pay section or in an institution. There is nothing right now civilly—and I point this out because there is a gap that perhaps the Criminal Code could assist with—that would stop a person who is a paid caregiver in any part of this country, who may have been charged or found guilty of any form of—let's call—it elder abuse, from getting another job. There are no registries available. I am part of the national long-term care technical services standard committee, and that is a piece that we're looking at, but there is nothing there now.

It would be, I think, very important to be thinking about how to make sure that we have prohibition orders for people who have been convicted, and again, it's important to know that we have many, many, many repeat offenders. We're not just necessarily looking at one person and one relationship, but where we have paid caregivers, this tends to be ongoing abusive behaviour.

I think a prohibition order with those types of denunciations in them, with those pieces that would stop or inhibit, would be a very useful tool.

Mr. Arif Virani: Thank you.

Mr. Berkes, I'll give you a chance to address that in about 60 seconds, please.

Mr. Jody Berkes: I will try to confine it to 60 seconds.

In terms of what is there right now, if someone is found guilty or convicted, they can be placed on probation for a period of up to three years with conditions. One of the conditions would be a prohibition on their working with the elderly.

Second of all, when someone is convicted of a Criminal Code offence, they get a criminal record and they would have to apply after five years to have that record suspension removed. In order to license someone or to employ someone, all an employer has to do is run a criminal background check, and because you're dealing with vulnerable individuals, it would be a vulnerable sector check. Now I know in Ontario that we've just enacted legislation, and if a person had been convicted of an offence involving an elderly person, such as an assault or criminal harassment, that would pop up on that vulnerable sector search, so the employer should be able to find out that the person has a criminal record. Those are two tools.

In terms of denunciation—once again, I apologize if I sound like a broken record—it doesn't necessarily come from having something be a criminal offence. Denunciation comes from educating the public.

We are not going to stamp out impaired driving simply by legislating it. We've legislated against impaired driving for 50 years, and it still happens. It is sustained public education about the carnage on our roads that will finally stamp that out, and it is that same education that will finally bring elder abuse out into the light and hopefully minimize it.

The Chair: Thank you very much.

We'll now go to Monsieur Fortin for two and a half minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Madam Chair.

I thank all the witnesses again. I want to say to those that I will not be calling on that it is not because I do not find them interesting. There is one topic that I am particularly interested in and that I would like to discuss with Mr. Prud'homme. We only have two minutes.

As I understand it, Mr. Prud'homme, you were on a committee on aging at the global level, at the UN. Obviously, as part of our work, it would be interesting to know what the UN is doing about elder abuse. I would love to hear from you about that.

Mr. Danis Prud'homme: Thank you for your question.

For three years, from 2013 to 2016, several experts from around the world looked at what tools could be put in place regarding the rights of older people. I'm going to talk about rights in a broad way while focusing on what you asked me about.

We found that there were no tools dedicated to the rights of older adults. Much like we did for women, children, and indigenous people, we need to establish an international convention to publicize and protect these rights. Then it's a matter of defining the tools that will flow from that and that will be developed and modified. Then we can take the necessary steps to adequately protect the elderly from abuse and fraud.

In fact, what was considered, once it became necessary to establish a convention, was everything related to elder abuse, fraud and mistreatment. Right now, a lot of the tools are geared towards people with disabilities or mental retardation. The majority of seniors are not physically or mentally impaired. So there's nothing that cov-

ers them in a general way right now, and that's why we need to address this more broadly and focus on this issue.

• (1205)

Mr. Rhéal Fortin: As we only have a few seconds left, I would like you to give us an overview of the seniors' rights you are addressing.

Mr. Danis Prud'homme: We're talking about the right to social participation, so the right of a person to continue to contribute to society for as long as he or she can. Even if they have a disease like dementia, they have moments of lucidity, which allows them to regain control. They can do this. The Public Curator of Quebec has already begun to take into account the situation of people who are not totally deprived of moments of lucidity.

Mr. Rhéal Fortin: When can we expect some kind of model on these issues from the UN?

Is there a short-term deadline?

The Chair: Your time is up, Mr. Fortin.

Mr. Rhéal Fortin: I would just like to know when, Madam Chair. It could be helpful.

Mr. Danis Prud'homme: Unfortunately, in quite a while, about 10 years' time.

Mr. Rhéal Fortin: Thank you, Mr. Prud'homme.

[*English*]

The Chair: Thank you very much.

We'll now go to Mr. Garrison for two and a half minutes.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I want to return to the witnesses from CanAge to talk a bit more about the question of corporations being held responsible for their failure to provide care during the pandemic. Does CanAge believe that the Criminal Code can get at corporate ownership when it comes to the policies that keep precarious workers working in long-term care homes and can get at the other kinds of things that have contributed to the terrible tragedy we saw in long-term care homes?

Ms. Laura Tamblyn Watts: It has been a terrible tragedy. With respect to what Mr. Berkes said, there are, of course, some provisions that are never used in Canada against long-term care homes. I respectfully believe, however, that the current Criminal Code provisions do not go far enough to reach into those areas and don't speak to criminal endangerment.

There are challenges when it comes to private, public and municipal homes, but I don't believe there is any way in particular to delineate them. Across this country, we have different ways of funding long-term care, and there is about a fifty-fifty mix of public and private. I do believe in the development of national standards, but that needs to be tethered to dollars and to a bill of rights associated with elder abuse and older people.

I do not think the Criminal Code as is goes far enough in creating a charge that will get laid against long-term care homes, and I think a study about criminal endangerment needs to be made available to respond to those issues.

Mr. Randall Garrison: Thank you very much.

I want to return to the Canadian Bar Association. First of all, I will make it clear that I thank you for putting emphasis on the other things we need in order to bring attention to the problem of elder abuse, other than just an amendment to the Criminal Code.

I appreciate the fact that you said you favour national standards. Do you believe that if there were national standards, the failure to meet those standards on a systematic basis would be covered by the current Criminal Code provisions?

Mr. Jody Berkes: In terms—

Ms. Jessica L. Lyle: I'm going to take this one for a second, Jody. You can chime in in a second.

The reality is that, as our positions make very clear in terms of our written brief, there are Criminal Code provisions. What we are looking for is creating standards and knowledge.

Jody, I'm sure, will chime in on a few things differently, but I do believe that if we are clear about what the expectations are and what the knowledge that our team on the ground, be they judges, prosecutors and police.... If they know what the test is, so to speak, then they can absolutely apply the Criminal Code as it is.

Jody.

Mr. Jody Berkes: I agree. I concur.

There's a difference between evidence and charges. Having national standards would provide that metric, that evidence needed in a prosecution in order to secure a conviction. A breach of that standard is prima facie evidence.

Mr. Randall Garrison: Thank you.

• (1210)

The Chair: Thank you.

Thanks very much, Mr. Garrison.

Thank you to the witnesses. At this time, we will suspend as we bring in our next panel of witnesses, but I must say that this whole conversation today has been very compelling. We've had very strong testimony from each and every one of you. We really appreciate how much that will inform our study.

Thank you again.

We will suspend for a couple of minutes as we bring in our next panellists.

Thank you, everyone.

• (1210)

_____ (Pause) _____

• (1215)

The Chair: Welcome to our witnesses who are joining us on this panel.

As just a quick housekeeping—

[*Translation*]

Mr. Rhéal Fortin: I have a point of order, Madam Chair. I'm being told that the French interpretation is not available right now.

I just got word it's working again.

The Chair: Thank you, Mr. Fortin.

[*English*]

Mr. Clerk, can I just clarify that? Are we having ongoing issues with interpretation?

[*Translation*]

The Clerk: The interpretation is working now.

[*English*]

The Chair: Thank you very much, Mr. Clerk.

Just before I introduce our witnesses, I'll go over some house-keeping rules.

Please take note of the interpretation bar at the bottom of your Zoom screen and select the language you'd like to listen to. You can speak in the language you choose, English or French. When you are not speaking, ensure that you are on mute; and when you are speaking, please wait to be recognized by the chair. Ensure that you speak slowly and clearly so that we don't have any interpretation issues throughout this process. I have a one-minute card and a 30-second card to help you keep time.

With that, I'll introduce our witnesses.

For the second panel, we have the Council to Reduce Elder Abuse, represented by Sherry Baker, who is the executive director of the B.C. Association of Community Response Networks. We also have Seniors First B.C., represented by Marie-Noël Campbell, executive director and lawyer; and Eric B. Clavier, lawyer and president, board of directors. Lastly, we have Statistics Canada, represented by Jeff Latimer, the director general of health, justice, diversity and populations; and Kathy AuCoin, the chief of the analysis program at the Canadian Centre for Justice and Community Safety Statistics.

Welcome to each and every one of you.

We'll start with the Council to Reduce Elder Abuse. Please go ahead. You have five minutes.

• (1220)

Ms. Sherry Baker (Executive Director, BC Association of Community Response Networks and Member, Council to Reduce Elder Abuse): Thank you, Madam Chair and honourable members of the standing committee, for the opportunity to contribute to the important work you are doing to study elder abuse in Canada.

I am proud to be able to describe to you the fine work being done in British Columbia to raise the awareness of abuse, neglect and self-neglect, and to help our communities find ways to prevent this.

The last two provincial governments have recognized that this issue is often hidden, little understood and extremely damaging to older and vulnerable adults throughout the province. For the last 10 years they have funded the work that our organizations are doing, and it is my distinct pleasure to have been involved since the beginning.

I have written a more detailed description of how the B.C. Association of Community Response Networks and the Council to Reduce Elder Abuse are organized to work towards reducing elder abuse by concentrating on supporting a local community response.

Here is just a sampling of the issues and remedies that you can consider. One, middle-aged children of aging parents find it difficult to help their growing families' needs. They see their parents with assets, and they think it would be good if they could have their inheritance before their parents die.

Two, when companies find themselves having to downsize or, as is happening during the COVID pandemic, having to lay off workers, many wage earners are finding themselves desperate and move back into their parents' home, often with children.

Three, immigrant families often bring older family members from their homeland to help look after the children. Sometimes these older adults are not provided with any freedom to create a safe life for themselves, which is further hindered by the inability to speak English or French.

Four, adding to the challenges of reconciliation, decolonization and the impact of residential schools, some of the older indigenous Canadians are also faced with pressure from their younger family members, who expect them to provide financial support to help them deal with their own issues.

I would like to list some of the ways that the federal government can play a role in reducing elder abuse.

First, it can understand that it is a systemic issue, and there is no quick fix.

When considering mandatory reporting, understand that most elder abuse is perpetrated by family members, and few parents will report or lay charges against their own child. This could have the effect of driving the abuse further underground.

As Krista James of the Canadian Centre for Elder Law said at the last hearing, abused adults don't want their family members to go to jail; "they just want the abuse to stop."

It can provide support for law reform initiatives.

It can provide support for the key role played by the RCMP so they can respond effectively.

It can provide support for research projects, which help seniors live safely in their own homes.

It can provide support for research into what causes elder abuse.

It can provide support for safe and accessible housing projects for elders.

It can provide support for job creation and retraining for people trying to enter the workforce or dealing with being downsized or laid off.

It can provide support for training for frontline workers in institutions as well as in the community.

It can provide support for English as a second-language projects for immigrant seniors, along with other settlement services.

It can provide support for indigenous communities in developing safe and healthy housing for their families and elders.

It can provide support for mental health and addiction services, especially for families in crisis. No individual can be forced into therapy, so there needs to be supports in place to help them want to change.

It can provide support for the development of safe and accessible transition houses for older adults and allow a longer stay. In B.C. a woman can only stay for 30 days in a transition house.

It can provide support for the development of a national elder abuse strategy.

I've included a lot more information in the brief that I've submitted to you.

I look forward to answering your questions.

Thank you.

• (1225)

The Chair: Thank you very much, Ms. Baker.

We'll now go to Seniors First B.C. for five minutes. Please go ahead.

Ms. Marie-Noël Campbell (Executive Director and Lawyer, Seniors First BC): Madam Chair and honourable members, thank you for inviting Seniors First BC to speak today on the important issue of elder abuse.

Seniors First BC is a non-profit organization that provides direct services to vulnerable seniors across the province of B.C. Our services include a seniors abuse and information line, victim services, legal services, and a public education and outreach program.

The seniors abuse and information line is our organization's front door, and we have attached statistics on calls to our brief. Between 2019 and 2021, the two most common types of abuse reported by callers were, one, emotional and psychological abuse and, two, financial abuse. These will be the focus of our presentation today.

With regard to psychological and emotional abuse, as we've heard, most abusers are family members. Most seniors do not wish to involve the police due to a combination of fears of repercussions for their loved ones and concerns about finding an alternative caregiver, but also due to the belief that they will not be taken seriously. Our workers frequently report hearing complaints about agencies' disregarding the older adults' concerns, assuming that they have dementia, are incompetent or do not understand what is happening to them.

Our victim services workers also hear from clients who actually have contacted the police, and the abuser has actually encouraged them to call the police because the abuser already knows the routine. A police officer comes, de-escalates the situation and leaves. Shortly thereafter, the abuser returns. Sometimes the police refuse to write a report because they consider this to be a civil or a family matter.

We have heard positive stories about local enforcement, typically in which the officer listened to the older adult's story, had a frank conversation with the abuser—sometimes warning them of possible criminal consequences—and followed up with the adult. Such successful approaches typically come from small communities in B.C.

Our recommendation, therefore, is to provide better training for dealing with elder abuse to local enforcement agencies, including [*Technical difficulty—Editor*] and to encourage investigation and follow-up.

In the context of abuse in institutionalized care, we support Graham Webb's recommendations to create the distinct offence of criminal endangerment and to provide strong whistle-blower protection to residents and substitute decision-makers.

The second common type of abuse reported by callers is financial abuse, and most financial exploitation of seniors, again, involves a family member or person in a position of trust through either a power of attorney or a joint bank account. Fraud also happens more and more frequently through international scams.

Unlike credit card companies, banks and credit unions do not monitor for suspicious activity on their clients' accounts. In the rare instances where financial institutions have been sued for negligence, courts have found that they did not hold any duty of care to their account holders or third parties. Ideally, there should be a legislated duty of care for financial institutions. Potential confidentiality issues about customers' accounts could be covered in the account agreement.

Another possible first step would be to introduce legislation protecting whistle-blowers at financial institutions, like the U.S. Senior Safe Act, which provides immunity from liability in any civil or administrative proceedings. Trained employees of financial institutions, such as bank tellers, advisers and investment bankers, report potential exploitation of senior citizens, even if it would otherwise violate privacy legislation, and they're provided training.

In our opinion, raising the alarm, if followed by investigation and action from law enforcement, would at least have a freezing effect on the author of the fraudulent behaviour.

Thank you.

• (1230)

The Chair: Thank you very much, Ms. Campbell.

Just for your notes, for your next interventions as we go on with this meeting, could you please put the in-line mike closer to your mouth? That would be much appreciated by the interpreters.

Ms. Marie-Noël Campbell: I will, Madam Chair. Thank you.

The Chair: We'll now go to Statistics Canada for five minutes of opening remarks.

Ms. Kathy AuCoin (Chief of Analysis Program, Canadian Centre for Justice and Community Safety Statistics, Statistics Canada): Madam Chair and members of the Standing Committee on Justice and Human Rights, I'd like to thank you for the opportunity to present our most recent statistics on senior abuse in Canada.

Much of the information I'll be focusing on this afternoon is available in the publication "Family violence in Canada: A statistical profile". A link to the report and a series of custom tabulations have been provided to the clerk for your reference.

It's important to note that the data from this report highlight those forms of abuse that meet the criminal threshold and that were reported to the police. As a result, it does not provide a complete picture of the overall prevalence of senior abuse as it does not capture emotional, psychological and financial abuse. Also note that Statistics Canada is working towards collecting disaggregated data, that is, by ethnicity, life stages and gender, which will give us a better understanding of which seniors are most at risk of abuse.

Also note that I'll be referring to the most recent police data, which is from 2019. The 2020 data will be released at the end of July. This information will be critical to our understanding of the impact of COVID restrictions on seniors and whether or not they were more at risk of being a victim.

In 2019, there were more than 14,000 senior victims of police-reported violence in Canada. By senior victims, I mean those individuals who are 65 years of age and older. Of these victims, 55% were men, while 45% were women. This translates into a rate of 227 seniors per 100,000.

Since 2014, there has been a steady increase in police-reported violence perpetrated against seniors. Specifically, we've noted a 29% increase in victimization rates between 2014 and 2019. Over the same time period, the rate of violence increased more for senior women than for senior men. We also noted that there were increases in violence against other age groups—that is, people between 0 and 17, or 18 to 64—but it was only an increase of 16%.

Based on the police data, the highest rates of senior victimization were noted in the three territories, as well as Manitoba and New Brunswick, while Nova Scotia reported the lowest.

According to the 2016 census, 7% of all seniors lived in shared dwellings such as senior resident nursing homes. From police-reported data, we were able to get a glimpse of the violence committed against seniors in these environments. In 2019, just over one in 10 senior victims of police-reported violence were residing in a nursing or retirement home at the time of the incident. Two-thirds of these victims were senior women. Most of these seniors who experienced violence experienced physical assault, while one in seven were sexually assaulted.

Within the nursing and retirement home environment, the perpetrators of this violence were most often seniors themselves. They were a casual acquaintance of the victim, a neighbour within the retirement home or... We can't tell from the data whether these individuals were suffering from some sort of cognitive impairment or dementia, which could have explained the reason for the violence. Further to that, the police-reported data noted very few cases where the perpetrator of the violence was a staff member of the residence.

Another source of data for senior abuse is the general social survey on victimization, which measures three types of violence—sexual assault, robbery and physical assault—as well as five forms of non-violent crime. These data are critical to our understanding as they capture victimization whether it was reported to the police or not.

According to the 2019 GSS, one in 10 seniors self-reported being a victim of household or violent crime in the previous 12 months and 84,000 seniors were victims of a violent crime. Through the GSS, we are also able to capture experiences of emotional and financial abuse of older adults by a family member or caregiver. Recent results found that approximately 2% of seniors reported experiencing financial or emotional abuse over the past five years. Finally, the GSS also noted that 14% of seniors experienced fraud over the previous five years.

There are challenges in collecting data on elder and senior abuse. Specifically, to obtain robust data, there must be an agreed-upon definition of “senior”, an agreed-upon definition of “abuse” and a sound method on how to capture this information from those living in an institution.

• (1235)

Thank you to the chair and members for their attention this afternoon.

The Chair: Thank you very much. I appreciate that.

We'll now go into our rounds of questions, starting with Madame Findlay for six minutes.

Please go ahead.

Hon. Kerry-Lynne Findlay: Thank you.

I'd like to thank all the witnesses for being here with us virtually today, with an especially warm welcome to those from Seniors First B.C. and the Council to Reduce Elder Abuse. These B.C. organizations do important work in my home province.

Ms. Baker, I found your itemized list of issues and federal supports that would be beneficial to be particularly useful. Thank you.

I will be directing my first questions to Mr. Latimer and Ms. AuCoin from Statistics Canada, and maybe just Ms. AuCoin if Mr. Latimer is sidelined a bit.

We know the importance of data in addressing issues relating to elder abuse, data that, as this committee has heard throughout our study, is largely missing. The testimony of the Canadian Network for the Prevention of Elder Abuse emphasized that group's disappointment that the 2021 budget did not commit to better collection of elder abuse data to inform our policy-making, especially since the mandate letters of both the Minister of Justice and Minister of Seniors call for exactly that.

Could you elaborate on where, in your professional opinion, the gaps exist in data collection with respect to elder abuse?

Ms. Kathy AuCoin: Thank you, Chair. That's a wonderful question.

In 2008, Statistics Canada did a very comprehensive feasibility study to look at senior abuse and elder abuse to figure out how to fill a critical data gap. In having many discussions across the country with different experts, we found that a key issue was the definition of “senior abuse”. Is it over 55, over 65? That was a key barrier that needed to be ironed out.

Second to that was what would be included in a concept of elder abuse. The data that I discussed most recently was looking at police-reported data that relied on Criminal Code definitions. Elder abuse, as an entity, has not been embedded in the Criminal Code. Understanding relationships and trust, how are emotional abuse, physical abuse and psychological abuse measured?

Third, how do you measure it amongst a population that is in an institution, a senior who is hard to reach, who also might be suffering from a cognitive disability and who cannot report on what they're experiencing? Do you do a proxy interview? Do you interview their family members? There are many barriers and challenges. That's not to say one shouldn't measure it, but to create...an overall prevalence of seniors in an institution and their levels of abuse is challenging.

Hon. Kerry-Lynne Findlay: I appreciate your underscoring some of the ways to overcome these data collection challenges. I wish you well in that work, because it's very important to do so.

You also mentioned working toward collecting disaggregated elder abuse data by ethnicity, gender and so forth. Could you elaborate a bit on your progress and when that data might be available?

Ms. Kathy AuCoin: Through the budget there were funds provided to Statistics Canada to explore and work on creating more systems to release disaggregated data. On our police data, we'll start collecting ethnicity data sometime in the near future. We are going through the feasibility of how to capture that information.

Hon. Kerry-Lynne Findlay: Thank you.

To Seniors First B.C., whoever wishes to respond, we've just heard from Ms. AuCoin and other witnesses before the committee about a real need to clearly define elder abuse, generally it seems for data collection, and also in the Criminal Code.

Do you have an opinion as to any potential amendments to the Criminal Code that might help, including a definition of elder abuse, or what that definition might look like?

• (1240)

Ms. Marie-Noël Campbell: I'll defer to Eric Clavier on this question.

Just so you know, we do not engage in criminal law. For the definition of elder abuse, we have followed the definition that was provided before by an ebook published by the B.C. Ministry of Public Safety and Solicitor General in 2013. We have followed that definition.

Hon. Kerry-Lynne Findlay: Do you have thoughts on a further or better definition, or have you not put your minds to that?

Ms. Marie-Noël Campbell: We have not really put our minds to it, but Eric Clavier might have more to say on this.

Mr. Eric B. Clavier (Lawyer and President, Board of Directors, Seniors First BC): Thank you.

I've also not put my mind to a definition of elder abuse. I think one of the difficulties we all recognize is that elder abuse is a pretty generic concept. It's certainly something that we need to look at as to what would comprise a more lineated definition.

As Ms. Campbell has noted in her opening remarks, the most prevalent abuse that we see includes financial abuse here. It could be something that is not necessarily related to elders, but if you could have a definition that specifically targets that type of elder abuse where people take advantage of joint tenancy or joint accounts, that might be helpful. Unfortunately, I'm not able to come up with a definition that I think would be useful to the committee today.

Hon. Kerry-Lynne Findlay: That's fine.

I think this is my last question.

I know that you serve more than 200 clients a month. Could you speak to how legal needs of your clients might have evolved since the beginning of the pandemic?

The Chair: Answer very briefly, please.

Hon. Kerry-Lynne Findlay: Where is your help being sought?

Mr. Eric B. Clavier: Ms. Campbell would be the person to answer that in the sense that she's in charge of the organization's elder law clinic as well.

Ms. Marie-Noël Campbell: Requests for legal assistance have boomed. The funding hasn't really followed. It has been limited because it comes from the law foundation and they do what they can.

We hear a lot about abuse of powers of attorney and abuse related to joint tenancies. Maybe I will provide more information in writing.

Hon. Kerry-Lynne Findlay: That's great. That would be good.

Thank you, Madam Chair.

The Chair: Thank you very much for that.

We'll now move to Mr. Sarai for six minutes. Please go ahead.

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you, Madam Chair.

I thank the two organizations from British Columbia, Seniors First B.C. and the Council to Reduce Elder Abuse, for their services and constant commitment to seniors issues and preventing senior abuse.

Ms. Campbell, my first question is maybe for you.

In your opinion, what steps can be taken to improve reporting of abuse among seniors?

Ms. Marie-Noël Campbell: Madam Chair, I don't think the issue is necessarily with reporting but with follow-through. What we're hearing from our workers is that when there is a report to police, no steps are taken. People do not hear back.

As we mentioned, there is little follow-up done, except in smaller communities. It would be helpful is to see that follow-up either by house checkups or by investigations. Our victim service worker has informed us that she has never seen any case reach the level of prosecution in spite of police reports being made.

Mr. Randeep Sarai: Do you see that there are different issues with seniors who have disabilities or language barriers? Do you think there should be any specific recommendations to flush those cases out as well?

Ms. Marie-Noël Campbell: Yes.

One of the questions we see is the presence of relatives as interpreters at a bank. When older adults want to open a joint account and they serve as interpreters at the bank, it is problematic. Obviously, they should not be in that room.

We see that also with seniors who want to change their address or information about their accounts. When they call Service Canada, there is no interpreter. Oftentimes the relative, who might be an abuser, serves as interpreter.

An easy first step would be to have more interpreters for Service Canada and at banks to ensure that whenever someone is given authorities, whether it's through a power of attorney or because they become a joint account holder, the relative who will be the beneficiary of this instrument will not be in the room and that the older adult is informed of the risks associated with granting that authority.

● (1245)

Mr. Randeep Sarai: In a case of disability, such as a hearing or speaking disability or language disability, are you suggesting that the bank or Service Canada also provide an interpreter or assistance in their language or means of communication?

Ms. Marie-Noël Campbell: Yes, that would be helpful.

Thank you.

Mr. Randeep Sarai: Ms. Baker, you said that reporting is there, but that actions don't happen afterwards.

Can you give us some insight or recommendations on how we can get more follow-up on cases such as what Ms. Campbell has just stated or what you have seen, so that there will be some follow-up and some protection for those who are elderly and being abused?

Ms. Sherry Baker: Our organization provides support for the communities to develop a community response. We're not doing direct service provision to the individuals who are being abused. Rather, we're helping members of the community, neighbours, friends, and families, to recognize the signs of abuse and then to know where they can be referred for service. Seniors First, and the services they provide, is one of the referral agencies that we use throughout our province.

We have 81 community response networks in British Columbia serving 233 communities. Our role is to develop the awareness of abuse, neglect, and self-neglect. We have a Chinese network and we're developing a Punjabi-speaking network. We have indigenous networks, LGBTQ networks, and we're open to whatever they want. It is driven by the communities themselves, not by our provincial organizations. That's why we have the two organizations.

The B.C. Association of Community Response Networks is local, and then the Council to Reduce Elder Abuse is a provincial network where we bring together all of the other organizations that are providing services so that we all know what each other is doing.

I don't think I've answered your question because I'm not really qualified to answer the question directly that you asked.

Mr. Randeep Sarai: Maybe I'll go to Ms. Campbell very quickly.

Can you help me on how to get more reporting, especially if it is a family situation where there's a strong hesitancy to report your own son or daughter as somebody trying to manipulate or abuse them specifically for financial reasons, or even in cases of abuse?

Do you have any quick comments on that?

Ms. Marie-Noël Campbell: It would be helpful if I echo, I think it was, Bénédicte Schoepflin, the executive director of the Canadian Network for the Prevention of Elder Abuse, who suggested having mediators. Because reporting is difficult, people are afraid of going to the police. When they go to the police, as has been mentioned, it does not really go anywhere from what we hear.

It might be helpful to have mediators who specialize in elder abuse who can talk to the alleged abuser and/or the older adult and try to find a solution together.

The Chair: Thanks very much.

We'll now go to Mr. Fortin for six minutes.

[*Translation*]

Mr. Rhéal Fortin: Thank you, Madam Chair.

Thank you to the witnesses for being here today to help shed light on this important issue.

My question is for Ms. Campbell.

In your opening statement, you mentioned the Senior Safe Act. If I'm not mistaken, you belong to the British Columbia bar and the New York bar. Tell us more, if you would, about the act.

Which U.S. states does the act currently cover? How long has it been in force? What does it stipulate?

● (1250)

[*English*]

The Chair: Make it very quick, Ms. Campbell.

Please move your mike closer to your mouth so we can hear properly. Thank you.

[*Translation*]

Ms. Marie-Noël Campbell: All right.

Since the question was asked in French, I will answer in French.

The Senior Safe Act came into force in the wake of an initiative by the State of Maine, the SeniorSafe training program. The program came about because Maine is the state with the largest senior population in the U.S. As I understand it, the Senior Safe Act is a national law.

In Maine, the work was done in partnership with the North American Securities Administrators Association. Bank employees are trained on how to recognize the exploitation and abuse of seniors, whether by family members, international fraudsters or false advertisers. Employees are then able to report those crimes to authorities identified in the legislation, so not just anyone.

If a similar law were implemented in Canada, those types of crimes could be reported to police, as well as designated agencies who would bring the information to the attention of the public guardian and trustee. Although it is not mandatory to use the mechanism, it gives bank officers the ability to raise a red flag in an effort to put an end to the problem.

What's more, seniors are not always aware of the problem or transactions on their bank accounts. If, at the very last, they were informed and the matter was investigated, it could help stop this type of behaviour.

Most importantly, the disclosure of information is not considered a violation of privacy. Normally, bank employees are not allowed to disclose information about transactions on a customer's account.

I hope that answers your question.

Mr. Rhéal Fortin: Yes, in part.

You said it mainly involves training. You referred to the Senior Safe Act. I'm not at all familiar with the legislation, but my guess is that it involves more than just training.

You said bank employees are able to report the exploitation or abuse of seniors. I think it would be a good idea to implement something similar in Canada. Those who work at financial institutions should definitely be on the lookout for financial exploitation. That's a good idea.

Nevertheless, does the act stipulate anything else? Do you know whether it sets out specific penalties, say, in relation to the physical abuse or neglect of seniors?

Ms. Marie-Noël Campbell: No. It pertains solely to the financial exploitation of seniors.

Mr. Rhéal Fortin: I see.

The act protects whistle-blowers who work at financial institutions. You said the act also provides for employee training. Is that correct?

Ms. Marie-Noël Campbell: Yes. They are protected only if they have taken the training. The first step is to train bank officers, and they are then given a list of individuals to whom they can report these crimes.

Mr. Rhéal Fortin: Do you know whether the legislation is effective? Has it had the desired impact?

Ms. Marie-Noël Campbell: I actually looked for those statistics. The act was introduced in 2018, and the only statistics I found were for the state of Maine. They show the program has been successful. It's still somewhat of a grey area; I wasn't able to find any clear statistics. According to the information I found, more issues were reported and the act was working, but unfortunately, no clear statistics seem to be available.

Mr. Rhéal Fortin: I see.

You do not know whether other states adopted the same measure, do you?

Ms. Marie-Noël Campbell: My understanding is that it is a federal act. The SeniorSafe training program exists only in the state of Maine, but it was the inspiration for the national law introduced by the federal government.

Mr. Rhéal Fortin: I understand. Thank you, Ms. Campbell.

I have less than a minute left for my last question.

Obviously, the issue involves not just the financial abuse of seniors, but also, and to a large extent, the physical abuse and neglect of seniors, as evidenced during the COVID-19 pandemic. I'd like to hear your thoughts on a matter under debate. Should the Criminal Code be amended to include new offences in relation to elder abuse? Are the current offences adequate? Should there be a greater focus on training the appropriate authorities and enforcing the provisions?

• (1255)

Ms. Marie-Noël Campbell: We agree with Graham Webb's recommendation to add a new provision to the Criminal Code. Above all, we want law enforcement to follow up on seniors' complaints. Police seldom return to follow up once a complaint has been made. Even when seniors complain to police about the lack of follow-up, police still do not follow up.

Mr. Rhéal Fortin: I see. Thank you.

[English]

The Chair: Thank you very much, Monsieur Fortin.

We'll now go to Mr. Garrison for six minutes.

Mr. Randall Garrison: Thank you very much, Madam Chair.

I want to particularly thank the witnesses today, starting with Ms. Baker, for emphasizing the diversity of seniors. I think we sometimes fall into the trap, as we do as a society, of considering seniors as a homogenous whole.

I'll start with a question for Ms. Baker.

Do you think that federal government programs sufficiently recognize that diversity among seniors, whether it's ethnicity, indigenous status or sexual orientation and gender identity, and is there more the federal government could do to recognize that diversity?

Ms. Sherry Baker: I'm not sure of the extent to which the federal government is recognizing it, but I think it is becoming more and more of an issue, especially with the indigenous and the immigrant populations. I think it is becoming a really important distinction that certainly we have embraced in B.C. in the work that we do, and we are open to providing the opportunity for any group that wishes to be looking at this issue from their own lens. We will support that, of course.

I'd like to also emphasize the importance of looking at what is causing the abuse. Why are the abusers abusing their older adults in their own families usually, or their community, and what is it about the community itself? I offered some possible areas of concern that the federal government can look at. It is cross-cultural. It doesn't seem to matter whether it's European, south Asian, Oriental or whomever it might be; every community has issues around elder abuse within their societies.

It has increased when society is suffering, as is happening with COVID or from downsizing and all of the other things that are happening within our economy. We find that people who are in those positions are more likely to thrash out at people whom they perceive to have more assets, more ability—

[*Translation*]

Mr. Rhéal Fortin: I have a point of order, Madam Chair.

The interpretation is not working.

[*English*]

The Chair: Thank you for pointing that out, Monsieur Fortin.

Mr. Clerk, can I ask if something is going on?

The Clerk: If you would like to resume the deliberations or say a few things, I would like to check, indeed, if interpretation is functioning.

The Chair: Just to prevent lack of communication, maybe we'll just pause as you check that. Thank you.

I have paused your time, Mr. Garrison, just so that you know.

The Clerk: The interpretation has resumed.

The Chair: Perfect.

Monsieur Fortin, is your interpretation now working?

[*Translation*]

Mr. Rhéal Fortin: It's working now, yes.

[*English*]

The Chair: Thank you very much.

Mr. Garrison, you can please go ahead.

Mr. Randall Garrison: Thank you very much, Madam Chair.

We recognize that the majority of seniors do not live in long-term care homes, but the COVID crisis and the degree of isolation that some seniors face in long-term care homes certainly is problematic.

Maybe I'll direct this to Ms. Campbell.

In terms of the services you provide, do you often hear from seniors in long-term care homes? Do you believe that in long-term care homes there are sufficient staff available, like social workers, who seniors could reach out to locally if they are experiencing abuse?

• (1300)

Ms. Marie-Noël Campbell: Thank you, Madam Chair.

Only 6% of calls come from people in long-term care or institutionalized care in general. We're not sure if that's because they are fewer issues that come with those who are in long-term care resi-

dences or if it's because we don't have the means to reach them sufficiently.

In terms of your question about whether they have enough time, no, I've heard during those sessions that they should normally receive about four hours, but I'm hearing that in assisted care there is less than one hour per week. Generally in long-term care homes, it is significantly less than that. It's two to three hours at best. I agree that there should be more staff. I believe money has been earmarked to assist with training new staff and to help with that.

The issue we have, when we hear about seniors reporting abuse, is that family members are afraid to report it. They are afraid of repercussions. Again, it would be helpful to have either mediators or more whistle-blower protection in those instances, as suggested by Graham Webb.

Mr. Randall Garrison: I'll end my questions there, Madam Chair.

The Chair: Thank you very much, Mr. Garrison.

You left a minute on the clock. If you don't mind, I'd like to oblige with a very quick question for Statistics Canada.

In the previous panel we heard from the Canadian Bar Association about the importance of enforcement, and not just of creating crimes in the Criminal Code with respect to elder abuse. I'm just wondering if there is a very targeted approach to collecting data with respect not just the crimes of which people are convicted, but also maybe that full range of crimes. Is there any way in which we could identify exactly how or where that enforcement is lacking?

Ms. Kathy AuCoin: That's a great question, Madam Chair.

I would suggest that a question for the Canadian Association of Chiefs of Police could really focus on enforcement.

When we collect police-reported data, it's all lined up with the Criminal Code. We have full coverage with all police services across Canada. There is a coding manual that outlines what is being captured.

I did listen in to the previous witnesses. The link was made to family violence and 20 or 25 years ago with training of police officers and understanding the dynamics of family violence. With training, processes change over time, but how enforcement follows through would really be a Canadian Association of Chiefs of Police question.

The Chair: Thank you very much for that. I really appreciate it.

With that, I'd like to thank all of our witnesses for your excellent testimony today.

Thank you, members. I will see you on Thursday for committee deliberations on drafting instructions for our elder abuse study.

In the meantime, the meeting is adjourned.

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