

## Personal Injury

# Elder abuse: Ontario's dirty little secret | Jasmine Daya

By **Jasmine Daya**



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(June 5, 2020, 11:07 AM EDT) -- The province's dirty little secret was finally exposed when Premier Doug Ford stated, "It is clear the long-term care system in Ontario must be fixed." As a personal injury lawyer, this statement did not come as a surprise to me. I do not believe that this issue was caused by the pandemic; however it was the strain on the system caused by the numerous deaths of residents at long-term care homes that forced public recognition of what has been happening behind closed doors for years.

I had a client years ago who was non-verbal and not weight bearing. While living in a long-term care home, bruising appeared on her leg, prompting further examination, which revealed a fracture. The only people in and out of her room were attendant care providers employed by the

long-term care home.

I have another client residing at a long-term care home whose daughter discovered wasn't being fed. After being diagnosed with malnutrition, her daughter regularly visited to ensure that she was eating and while there, she would sweep up the mouse droppings in her mother's room.

I have many more upsetting stories that I could fill pages with that have been conveyed to me by clients over the years.

Residents at long-term care homes require 24-hour care. There is most certainly a need for these facilities, with a wait list of about 37,000 and around six months to a year to be placed. Once a bed becomes available, you have 24 hours to accept the placement and must move in within five days. At present, there are over 70,000 residents at 626 long-term care homes in Ontario.

It is believed that 79 per cent of COVID-19-related deaths in Canada are connected to a long-term care home. This incredibly high statistic resulted in great concern and widespread media coverage about the care received by seniors at these homes. Families of residents grew concerned about what was occurring behind closed doors as residents were isolated from family members in an effort to curb the spread of the virus.

On April 22, the Canadian Armed Forces were formally requested by the Ontario government to assist with long-term care homes. A few weeks later, the Armed Forces' scathing report was released with shocking revelations about the inappropriate care being provided by these homes to their residents. The findings are not solely related to post-pandemic care.

It is a well-known fact that seniors are far more vulnerable to the deadly consequences of COVID-19. The virus has killed seniors and ravaged long-term care homes in various countries around the world. The fact that long-term care homes in Ontario have had a high number of deaths by residents contracting the virus does not automatically translate to negligence being the cause.

Personal injury law firms have commenced lawsuits and even announced class actions against long-term care homes as a result of the negligence in the measures taken during the pandemic that allegedly caused injuries, impairments and/or deaths. The court of public opinion has already decided, however, that does not equate to liability having been established.

A vaccine is being developed to prevent contraction of COVID-19 but there will never be a vaccine against elder abuse. Instead of once again becoming immune to its existence, we must instead continue to discuss the issue to ensure that change occurs. It cannot merely be lip service to ease the current concerns raised.

No amount of Botox and fillers can eradicate the internal aging process. Eventually, it will occur and with age comes the requirement for assistance in one form or another. You would not want to be abused by reason of your age leaving you vulnerable to predators, so why permit it to occur? It is better to stop it now, while you still can and assist those who can no longer assist themselves.

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