

# Consultation to inform the development of a Safe Long-Term Care Act

Submitted by The National Association of Federal Retirees

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## **Submission by the National Association of Federal Retirees on the development of Safe Long-Term Care Act**

The National Association of Federal Retirees is the largest national advocacy organization representing active and retired members of the federal public service, Canadian Armed Forces, Royal Canadian Mounted Police and retired federally appointed judges, as well as their partners and survivors. Federal Retirees has advocated on behalf of its members and all retirees since 1963. In collaboration with its volunteers and close to 170,000 members from coast-to-coast, Federal Retirees continues to advocate for good policy that improves the lives of all Canadians in their retirement, and to protect our members' hard-earned pensions and benefits.

Like all Canadians, members of the Association were appalled by the tragic outcomes in the long-term care sector during the COVID-19 pandemic. Early in the pandemic, 80 per cent of COVID-related deaths occurred in long-term care homes, giving Canada the distinction of having the highest such numbers among nations in the OECD. More than 17,000 long-term care residents in Canada have died because of COVID. They died because of the practices and health system failures permitted in the long-term care sector. Canadians, and especially those who lost loved ones, have not forgotten about the commitments made at the height of the pandemic by all levels of government and by the sector to right these systemic wrongs.

Federal Retirees has called on all levels of government to collaborate to fix long-term care. This includes implementation of enforceable long-term care standards that are tied to funding to hold governments and this sector accountable.

The National Association of Federal Retirees is pleased to see the government consulting with stakeholders on the development of the Safe Long-term Care Act. This submission focuses on the following questions from the government's questionnaire to inform the development of a Safe Long-term Care Act.

1. How can governments and stakeholders cooperate to help foster the implementation of the new long-term care standards?
2. How should we enhance public reporting on long-term care to strengthen transparency and accountability?
3. What type of information would you like to see in a pan-Canadian public report on long-term care?

When it comes to long-term care, Canada needs:

- ✓ More than accreditation: mandatory, enforceable standards with accountability
- ✓ Predictable, stable funding based on compliance and evidence
- ✓ Person-centred, meaningful engagement
- ✓ Mandatory, transparent public reporting with independent oversight and monitoring
- ✓ A comprehensive report that identifies the best way forward for long-term care

We would like to thank our volunteers, the Advocacy Program Officers, who participated in a facilitated discussion focused on this consultation. Their insight and experiences from across the country informed this submission.

## 1. How can governments and stakeholders cooperate to help foster the implementation of the new long-term care standards?

### Mandatory, enforceable standards

During the pandemic, tragic outcomes in the long-term care sector exposed and aggravated existing systemic problems within the sector. These systemic problems have been neglected by successive governments for decades.

Federal Retirees was pleased with the announcement of new long-term care standards, but from the outset the Association has asserted that voluntary standards are not enough to ensure significant improvements in the sector. Standards must be mandatory.

While the standards improve care and infection prevention and control, the standards do not cover enforcement, mandatory accreditation, or accountability and dedicated funding for long-term care.

The chair of the national long-term care service standards technical committee Dr. Samir Sinha has been clear that “these standards are only useful if they become the basis of enforcement and accountability measures, not only accreditation measures.”<sup>1</sup>

### Government collaboration and dedicated funding - with strings

In our discussion with volunteers, one participant remarked with exasperation, “I am quite convinced that 10-15 years down the road when I may be in need of long-term care, that we’ll still be talking about this, until somebody, everybody steps up to the plate.”

All levels of government must accept responsibility for long-term care. Cooperation is important, and we cannot see more of the same. Enforceability and regulation, while difficult in a federal system, are needed to ensure accountability and to make a real difference. This may be achievable by funding long-term care – with conditions.

Dedicated funding is needed to make significant, necessary improvements to long-term care in Canada. The Parliamentary Budget Officer estimates that \$13.7 billion annually is what is needed to solve the long-term care problems in this country.<sup>2</sup>

Provincial and territorial governments must be held accountable for the way long-term care residents are treated. Long-term care funding that is dependent on governments meeting new standards could encourage provincial and territorial governments to act swiftly to ensure safe, high-quality long-term care. Further, tying the funding to realistic measures, including population needs and inflation will add predictability and stability.

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<sup>1</sup> Osman, Laura. “New national standards for long-term care homes call for more patient care, higher worker wages.” *The National Post*, January 31, 2023, <https://nationalpost.com/news/politics/time-is-of-the-essence-to-bring-in-and-enforce-new-long-term-care-standards-authors>. Accessed 15 September 2023.

<sup>2</sup> Segel-Brown, Ben. (2021). *Cost Estimate for Motion 77: Improvements to Long-Term Care*. Office of the Parliamentary Budget Officer, <https://www.pbo-dpb.ca/en/publications/RP-2122-013-M--cost-estimate-motion-77-improvements-long-term-care--estimation-couts-decoulant-motion-77-ameliorations-concernant-soins-longue-duree>. Accessed 14 September 2023.

## Person-centred engagement

Residents, family members and family council representatives are important stakeholders in fostering cooperation and implementation of national standards. The working group to develop the new national standards was comprised of front-line workers, residents, caregivers, and researchers. Their continued engagement in how the standards are implemented will ensure that resident care and safety remain front and centre.

There are mechanisms in place to engage residents, families, and family council representatives. These groups have valuable contributions and knowledge, and those contributions must be as respected as the expertise of policy makers and researchers. A term of reference, use of best practices, and training and guidance would help build a cooperative engagement dynamic that is person-centred.

## **2. How should we enhance public reporting on long-term care to strengthen transparency and accountability?**

### Mandatory and transparent reporting with independent oversight

Long-term care is delivered by various providers, including for-profit businesses, non-profit organizations, and government agencies. Delivering social services to vulnerable populations is not a typical business: long-term care providers need to be held accountable for the standard of care they provide.

A recent report by the Ontario Ombudsman on long-term care inspection outlined the consequences a lack of enforcement and accountability had during the COVID-19 pandemic. Among the findings, he said “the direct result of the lack of inspections, reports and enforcement was a lack of protection for residents and staff, and a lack of accountability for the system.”<sup>3</sup>

Provinces and territories must make mandatory, transparent public reports to qualify for long-term care funding. This helps ensure enforcement and accountability in delivery and oversight. Additionally, ensuring provinces, territories and the sector measure and report on the same indicators regularly and transparently will paint an accurate national picture on the state of long-term care. Information must be collated at the national level for transparency and accountability and to record how residents in long-term care are treated in this country – as well as identify areas for improvement.

And while reporting is essential, who monitors performance and who is responsible for public reporting matters greatly.

An arm’s length, independent seniors advocate, or ombudsperson can play a valuable role in holding governments accountable, as well as in strengthening transparency, and repairing and rebuilding public trust. A senior’s advocate would independently monitor and report on long-term care delivery and would provide recommendations to government and to organizations

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<sup>3</sup> Ontario Ombudsman, (2023). *Lessons for the Long-Term- Ombudsman's opening remarks, September 7, 2023*, <https://www.ombudsman.on.ca/Media/ombudsman/ombudsman/resources/Reports-on-Investigations/LTC-Remarks-accessible.pdf>. Accessed 15 September 2023.

that fund or deliver long-term care. While doing so, this position would advocate for and uphold the interests of older adults and caregivers.

### **3. What type of information would you like to see in a pan-Canadian public report on long-term care?**

A pan-Canadian report must highlight what is working, and where facilities and governments are excelling beyond the minimum requirements along with the associated outcomes. This will enable a culture of sharing best practices so that others can learn and adopt similar strategies.

Ensuring all governments and the long-term care sector are measuring and reporting on the same indicators regularly and transparently is critical in considering a meaningful pan-Canadian public report on long-term care.

The government must work with the provinces and territories to identify how to use the new national standards to identify or develop criteria and indicators for measurement and reporting – all of which would shape a pan-Canadian report. This would demonstrate respect for the tremendous work that was done to develop a new standard for high quality, safe care in Canada, and would also contribute to upholding the new standard.

Accreditation criteria is another area that can be explored. This information could form the basis of a pan-Canadian report. Reporting should also engage and gather information from residents, family and caregivers.

#### **Additional Thoughts**

Finally, participants in our discussion noted that advocates throughout the pandemic have held that Canada's reliance on a patchwork of providers, and particularly on for-profit long-term care operators, contributed to the sector's terrible outcomes. There have been calls to transform Canada's long-term care sector into a publicly delivered system. It is time for an evidence-based, forward-looking report on the kind of long-term care delivery – whether publicly funded, through non-profits, or with for-profit providers, or some combination- that will best serve Canadians.

#### **Conclusion**

While not part of the Canada Health Act, long-term care is part of the continuum of care. We have seen the consequences when this essential health care option is ignored and neglected by all levels of government over decades.

At the root of this neglect is ageism. A 2022 report by the Federal, Provincial and Territorial Ministers Responsible for Ageing points to “systemic ageism that contributed to the longstanding neglect of long-term care homes in Canada.”<sup>4</sup>

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<sup>4</sup> Federal, Provincial, Territorial Ministers Responsible for Seniors (2022). *A Discussion Guide on Ageism in Canada: Addressing the Social and Economic Impacts of Ageism in Canada*, <https://www.canada.ca/en/employment-social-development/corporate/seniors/forum/consultation-ageism/discussion-guide.html>. Accessed 15 September 2023.

Policy makers in this country need to look at the role ageism plays in health care policy and delivery, and how it contributed to the tragic outcomes in long-term care throughout COVID-19 pandemic. Together, Canadians must end ageism.

We must make a significant shift away from the policies that allowed this to unfold. We know more of the same will not work. Governments must take responsibility for healthy aging in this country, including long-term care, and re-imagine older adult care.

It is time for the federal government to take a leadership role in implementing enforceable national standards tied to funding; time for territories and provinces to unite and collaborate.

It is time to fix long-term care.

The National Association of Federal Retirees appreciates the opportunity to share its views on the development of the Safe Long-Term Care Act. Our members and all Canadians expect the government to deliver on its commitment in the supply and confidence agreement and look forward to the Safe Long-term Care Act's introduction in Parliament before the next election.