

Legal warnings issued to long-term care homes who continue to isolate seniors

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CALGARY: The Justice Centre has issued a demand letter to two long-term care homes in British Columbia over their continued prohibition on family members providing essential care and support to their elderly loved ones. The [June 30, 2020 letter](#) – sent to Eden Gardens and Nanaimo Seniors Village – notes that BC’s Ministry of Health allows “essential visitors,” and family members meet the government’s definition.

Family members of residents in British Columbia care homes have been deprived of the ability to visit their elderly and vulnerable parents, grandparents, aunts and uncles. When visitation has been permitted, it is often entirely inadequate, as it has been required to occur outdoors, with visitors socially distanced from their loved ones and forced to wear gowns and masks, all while being supervised by a staff member. Many of these residents are suffering from Alzheimer’s and dementia, and therefore struggle to recognize their family members when they are not in close proximity, especially while they are gowned and masked.

Families are reporting that their loved ones are swiftly declining physically, mentally and emotionally, suffering from intense anxiety and depression, despite having been healthy and alert prior to lockdowns. Family members are desperate, and their pleas to the facilities have so far been ignored.

The June 30, 2020 letter asks that these facilities grant family members immediate access to their loved ones, so that family members can provide essential and much-needed love and support. These family members provide essential social interaction, in addition to hands-on daily care and protection for their loved ones’ mental, physical and emotional health.

The Justice Centre warns that this forced isolation and prohibition on meaningful visitation to elderly Canadians amount to breaches of section 7 of *Canadian Charter of Rights and Freedoms*, which protects the right to life, liberty and security of the person, as well as a violation of the Residents’ Bill of Rights as protected in section 7 of British Columbia’s *Community Care And Assisted Living Act*.

The Justice Centre’s letter states:

“The indefinite confinement of residents, and overbearing restrictions on visits, especially those classified as “essential visits,” have exacted a terrible toll on seniors and their families. The forced isolation without adequate visitation means your long-term care homes are substantially devoid of meaningful outside accountability. This has permitted conditions of indifference to fester while the residents deteriorate from neglect, despair and loneliness.”

“As Ghandi noted, ‘the true measure of any society can be found in how it treats its most vulnerable members’,” states Jay Cameron, Litigation Manager with the Justice Centre for Constitutional Freedoms. “Right now, there is no one in Canadian society more vulnerable than the elderly and other residents of long-term care homes, who are deprived of the company and care of their loved ones. They are the forgotten people. Their constitutional rights have not lapsed, but they have no voice to cry out with. Families and society at large must speak for them.”