

Submitted by

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"Pro Bono Students Canada at the College of Law, University of Saskatchewan cannot provide legal advice. This document contains general discussion of certain legal and related issues only. Please consult with a lawyer for assistance with specific legal advice".

Pro-Bono Project for the Saskatoon Council on Aging

- 1) Where and in what Saskatchewan laws and regulations is the issue of elder abuse addressed?

Please see the chart provided listing and comparing various Saskatchewan legislation that address the issue of elder abuse.

- 2) What limitations do you see in present laws and regulations regarding abuse?

Limitations to each legislation are also provided in the chart.

The chart also contains Manitoba's *The Protection of Persons in Care Act* and the 2002 draft bill for *The Protection of Persons in Care Act* in Saskatchewan to better provide a picture of the limitations of the draft bill as well as of the limitations presented by the absence of such an act in Saskatchewan.

Overall, the present legislation in Saskatchewan that addresses the issue of elder abuse have the following limitations:

- There is no one clear and consistent definition of abuse. In some, abuse is not directly addressed.
- Most do not have mandatory reporting and investigatory requirements. Those that do have reporting requirements only require reporting from very specific parties and not from all that could be possible reporters or witnesses.
- The scope of the various legislation, when taken together, does not
 - cover all acts that could constitute abuse.

- cover all possible forms of abuse.
 - cover all possible perpetrators of abuse.
 - cover all possible elderly victims of abuse.
- There is a very limited and vague protection to persons in care especially those in special care homes.

3) What does the Saskatoon Health Region have in place to protect people from abuse while receiving care in home care, hospitals and special care homes?

Tracey Muggli is the manager of the Client Patient Access Service division of the Saskatoon Health Region. She explains that her division is responsible for home care and discharge of patients from hospitals. According to her, the Saskatoon Health Region does not have any procedures nor clear guidelines that address elder abuse. In their division, reporting of abuse or of those at risk of abuse is guided by the professional code of ethics each professional employee is under, such as the code of ethics of social workers and nurses. Those who work in the division contact the police or try to support the client or representative in their endeavours to contact the police. In her experience, it has been hard for their clients to make a case because of lack of supporting evidence. She thinks there is a huge under-reporting of incidents of elder abuse.

David Cline, from the Continuing Care and Seniors Health Division of the Saskatoon Health Region, was contacted in the absence of Juanita Tremeer. He presented that the Saskatoon Health Region has a zero tolerance on abuse based on regional policies. He said that he would forward some of the policies that may be pertinent to elder abuse but I have not yet received them, even after a couple of follow-ups. I will follow-up again and forward any copies of policies I receive from Mr. Cline to the Saskatoon Council on Aging. As of June 19, 2008, I have still not received the said policies from Mr. David Cline.