



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

The Law As It Affects Older Adults

Older Adults: Although older adults make up a significant and growing proportion of the Canadian population, there has been relatively little attention paid to their relationship to the law. While pioneering work has been done by some individuals and organizations, specialized attention to the legal needs of older adults has been sparse. There has been little research on the barriers that older adults in Canada face in accessing the law and the justice system, and on how access might best be facilitated.

The LCO's Project: The LCO has initiated a project to develop a systematic framework for the law as it affects older adults. The focus of this Project is not on reform of any one specific issue related to older adults, although specific issues will be examined as examples. Rather, this Project aims to develop a coherent approach to this area of the law, which can be used as a template, or set of principles, in developing law reform proposals related to older adults, and in ensuring that new laws take into account the needs and circumstances of this group.

The Pre-Study: The Project began with a Pre-Study aimed at identifying preliminary principles, themes and issues to be pursued during the main stages of the Project. The LCO launched a Pre-Study Consultation Paper on Shaping the Project in May 2008, with a submission deadline in July 2008. Based on feedback received through submissions and interviews, and the LCO's own research, we have now identified preliminary principles, themes and issues for further research and examination, and have released them to the public through this Consultation Report.

Results of the Pre-Study: This Consultation Report outlines the principles and themes which the LCO has identified through the Pre-Study. The LCO has identified five preliminary principles that may guide the law as it affects older adults: independence (autonomy), participation, security, dignity and respect for the diversity of older adults. The LCO will consider these principles through research and analysis on the following five questions:

1. What would an anti-ageist approach to the law look like?
2. When is it appropriate or effective to use age as a legal category?
3. What principles and approaches best promote access to the law for older adults?
4. How can the law appropriately recognize and support the relationships of older adults?
5. How can a principled framework for the law as it affects older adults be applied to ensure secure and dignified living environments for older persons?

Next Steps: The LCO has commenced the second stage of this Project, which will focus on research on the principles, themes and issues identified through the Pre-Study. The LCO issued a Call for Research Proposals, and will fund relevant expert research that furthers the Project. As well, the LCO will continue with its internal research. An Interim Report will be issued in the fall of 2009, and will form the basis of further public consultation.

Share Your Thoughts With Us: The LCO welcomes questions or comments with respect to this Report or the Project. You can share your thoughts and see what others have had to say by following the “Comments” link below.

Questions and comments may also be shared through mail, fax, e-mail, or telephone, as outlined below.

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