



LAW COMMISSION OF ONTARIO
COMMISSION DU DROIT DE L'ONTARIO

The Law As It Affects Older Adults

The aging of Canada's population has led to an increased public policy focus on the experiences, circumstances, and needs of older adults, and an effort to articulate social policy frameworks for addressing the opportunities and challenges associated with this demographic change. A principled and holistic framework for the law as it affects older persons will be essential in addressing the needs and experiences of this group.

The Law Commission of Ontario has initiated a project to develop such a legal framework. As this is a large, multi-faceted endeavour, the LCO is at this time seeking public input on the scope of this project, and in particular on the principles that should inform its approach and the issues that should be examined.

The range of issues that may arise when considering the law as it affects older persons is very broad. Some areas of law are clearly and directly related to the unique circumstances of older persons, such as, for example, laws relating to long-term care homes. There are other areas of law that do not on their face deal directly with the circumstances of older persons, but have a differential impact on this group. Further, there may be areas of the law that would be fairer or more effective if they took into account the great diversity among older adults. Although older persons are often treated as homogenous group, the experience of aging will differ substantially depending on an individual's health, gender, income and education level, place of residence, language, culture, and place of origin, among other factors.

One aspect of this project may be to identify and re-examine long-standing assumptions underlying the law and older persons. For example, the diversity among older adults calls into question the still-common practice of using age as a decision-making criterion in legislation, policies and programs. The law permitting employers to use age 65 as a cut-off for the provision of certain health, insurance and dental benefits is one instance of the use of age as a criterion. As well, laws, policies and programs may be influenced by societal stereotypes and assumptions about older persons, such as that they are dependents who no longer make a contribution to their families or to society, or that they are incapable of making responsible decisions.

Other potential issues involve the implementation of laws. For example, concerns have been raised as to whether older adults are able to effectively access existing legal rights and protections. Older adults may experience a variety of attitudinal, financial, physical, or communication barriers in attempting to access justice.

The LCO has developed a Consultation Paper to provide a focal point for discussion and consultation on the scope of this project. Based on the LCO's independent research, including the responses to the Consultation Paper, the LCO will adopt a set of guiding principles and will identify themes and specific issues that will be addressed during the next stage. Further public consultation will be carried out on those specific themes and issues.

All interested parties are invited to provide submissions by **Monday, July 7, 2008**. Submissions may be sent by mail, fax or e-mail to:

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If you have questions regarding this consultation, please contact us at: **(416) 650-8406**.