



LAW COMMISSION OF ONTARIO  
COMMISSION DU DROIT DE L'ONTARIO

## LAST STAGES OF LIFE – CONSULTATION BACKGROUND

### What is the Law Commission of Ontario?

The [Law Commission of Ontario](#) (LCO) is Ontario's leading law reform agency. Our role is to conduct research, undertake public consultations, and develop reports and recommendations to improve the effectiveness, relevance and accessibility of the law. Our work promotes access to justice and contributes to public debate. Over the last 10 years, LCO projects have studied and recommended law reform in areas as diverse as disability rights, consumer protection, and vulnerable workers.

### What is the Last Stages of Life Project about?

The LCO's [Improving the Last Stages of Life](#) project considers how the law shapes the rights, choices, and quality of life for persons who are dying and those who support them. The project seeks to address the experiences of everyone involved in the dying process, including: individuals, caregivers and other family and friends, health care institutions and professionals, government, other professionals and community organizations. Our goal is to hear from these groups to better identify and recommend law reforms that are concrete, precise, and responsive to the experience of persons in the last stages of life. It is important to emphasize that this project does not consider the appropriateness or legality of any particular medical procedure or medical model of care.

### What do you mean by “last stages of life”?

The “last stages of life” is the broad and inclusive term we use in this project to capture the experience of dying as a process or a continuity of events, whether as a result of terminal illness, chronic conditions or serious frailties. Our objective in selecting this term is to distinguish the *experience* of persons who are dying – as a particular stage in life – from particular *models of care*. This inclusive term allows us to look at issues including end-of-life planning, palliative care, and medical assistance in dying.

### Isn't the government legislating this already?

The LCO's project doesn't duplicate government work in these areas. The provincial and federal governments are undertaking many initiatives in these areas, including legislation regarding medical assistance in dying (MAID). We look at issues in addition to those that are currently the subject of enacted or proposed legislation. For more information see our handouts [Consultation Issues Map](#) and [Issues Backgrounders](#).

### What issues are being looked at?

Several key issues were identified through preliminary consultations with over 100 individuals and organizations conducted through 2015-2016. LCO also had assistance from an Advisory Group that includes respected specialists in palliative and end-of-life care, and in legal frameworks relevant to death and dying. The LCO's project is looking at a broad range of issues identified including:

- **Equitable care for all.** Social determinants such as age, disability, LGBTQ identity, Indigenous identity, income level, place of residence, mental health, religious beliefs and culture can strongly affect the setting, type and quality of care that Ontarians receive. LCO is looking at these communities and considering issues like access and accommodation.
- **Ontario’s laws and programs.** Laws and programs in Ontario shape the approach to issues like palliative care; health care decision making, planning, and substitute consent; medical assistance in dying; the “public health” approach to palliative care; and how end of life impacts employment rights, caregiver benefits, insurance coverage, and rights in long-term care and retirement homes.
- **End-of-life challenges.** The LCO is considering a broad range of specific legal and policy challenges that arise at the end of life, including issues regarding autonomy, self-determination, beneficence (and maleficence) in care, and safeguards against abuse. These arise in several specific contexts, including the legal framework for, and public understanding of, consent and advance care planning; decision-making authority over life-sustaining practices, including withdrawal and withholding of treatment, CPR, and nutrition; palliative sedation therapy; managing planned deaths at home; the experience of supporting professionals; and accommodation and supports for faith and cultural communities.
- **Resolving disputes.** LCO takes a look at assistance with the law, including navigation, dispute resolution and public legal education.

A fuller explanation of these issues is available in our [Executive Summary](#) and [Discussion Paper](#). We’ve also summarized these issues in a [Consultation Issues Map](#) and [Issue Backgrounders](#).

## How can I get involved?

Release of the Discussion Paper kicks-off a formal public consultation process that will take place May – Sept 2017. The LCO invites your participation through:

- Check out the project website at <http://www.lco-cdo.org/laststages>. Read the Discussion Paper or Executive Summary and review the Consultation Issues Map and Issue Backgrounders
- Provide written submissions at any time to [lawcommission@lco-cdo.org](mailto:lawcommission@lco-cdo.org)
- Watch the live and archived [webcast consultation](#) sessions
- Download the project [survey app](#) on your iPhone or iPad, or complete the survey online
- Propose an in-person focus group for your community
- Contacting Project Research Lawyer Ryan Fritsch through the contact information below

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Written submissions will be accepted until **September 29, 2017**