



Brief – Strengthening Seniors’ Rights

Prepared based on questions submitted to the 14th session of the Open-ended Working Group on Ageing

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Presentation of Réseau FADOQ

Réseau FADOQ is an organization of more than 580,000 members aged 50 and over. Some 50 years ago, the main goal of FADOQ's founder, Marie-Ange Bouchard, was to reduce seniors' isolation by providing them with diverse recreational, sports, and cultural activities.

Now, one of our main priorities is to press political bodies to maintain and enhance seniors' quality of life, today and in the future. In this regard, we offer our assistance and expertise to encourage different levels of government to make judicious choices that take into account Québec's demographic situation, namely, that Québec's population is aging faster than that of most Western societies.

Réseau FADOQ aims to raise awareness, with the goal of making seniors' voices heard and, especially, taken into account, on political issues. Although population aging is a fact, we believe that it is not useful to approach it from a pessimistic perspective.

It is essential, however, that governments seriously examine the impacts of an aging population. We at Réseau FADOQ believe that we must develop proactive and innovative solutions to move society forward on addressing population aging.

Our organization has been involved in the Open-Ended Working Group on Aging since its inception. Réseau FADOQ believes that it is essential to draw up an international convention on seniors rights that will be legally binding on all member states.

In order to move towards this goal, the Working Group proposed that member states, intergovernmental and non-governmental organizations examine various aspects of the lives of seniors, to identify areas needing improvement.

To this end, Réseau FADOQ has prepared the following brief, based on the themes of the questionnaire submitted by the Open-Ended Working Group on Aging.

Accessibility, Infrastructure and Housing

In Québec, the right to housing is protected by Québec's *Charter of Human Rights and Freedoms*, in which it is implicitly included in section 45, under the right to financial assistance and social measures to ensure a decent standard of living. Several international instruments to which Québec is bound also provide for this right. Its exercise is inseparable from several other rights, including the right to equality, yet, little action has been taken to guarantee it.

Québec is currently experiencing a housing crisis, characterized by a shortage of affordable housing, rapidly rising rents and house prices, and difficulties in accessing decent housing for various groups, notably seniors.

Canada Mortgage and Housing Corporation (CMHC) reports a very worrying situation. The vacancy rate—which indicates the percentage of vacant rental units in a given location—is at historic lows in all regions of Québec. While a vacancy rate of 3% usually indicates that the rental market is in equilibrium and that the housing supply is sufficient to meet demand, it was below 3% in all 43 urban centres in Québec where this statistic was compiled by CMHC in 2023 (Boucher, 2024).

It is important to note that the situation is also particularly hard on seniors, 39% of whom receive the Guaranteed Income Supplement (annual income under \$21,624 for a single person). Half of all Quebecers aged 65 and over earn less than \$28,000 (Nguyen, 2023; Institut de la statistique du Québec, 2023).

In Québec, private seniors' residences (RPAs) are a major player among group living environments for seniors. According to CMHC, Québec once again had the highest attraction rate in Canada for this type of living environment, despite a decline in 2021. In fact, 17% of Québec seniors aged 75 and over lived in a seniors residence, whereas in the other provinces and territories of the country, this proportion ranged from only 5% to 10% (Canada Mortgage and Housing Corporation, 2021).

In Montreal, in 2023, the average monthly cost of an RPA unit ranged from \$2,108 for a standard unit to \$4,175 for an assisted-living unit (St-Eloy, 2023). These homes are not very affordable.

Réseau FADOQ promotes diversity in housing for seniors. Our organization believes that the Québec government must encourage the development of alternative group living environments, based on models that already exist and have proven their worth, such as housing cooperatives, non-profit RPAs, affordable housing and many others.

When it comes to long-term care residences or nursing homes, Québec is in catch-up mode. Currently, nearly 4,000 people are still on a waiting list for a place in one of these facilities (MSSS, 2024).

In Québec, when it comes to public transit, seniors who are no longer able to get around by car on their own are faced with a glaring lack of mobility options, particularly outside major urban centres. Without public transit enabling them to access a multitude of destinations, seniors risk becoming immobilized and excluded. Winter imposes major constraints on people who need to travel to destinations outside their regional communities (Lupien, 2020; Gallant and Lupien, 2023). Ironically, in these areas, regional public transit services are in decline, as in Gaspésie, where passenger train service between Matapédia and New Carlisle was discontinued in 2013 (Gagné, 2023).

It is also important to remember that Québec's northern climate means that seniors' mobility is considerably reduced in winter. Slippery and snow-covered surfaces are a fall hazard for people who walk to access shops and services, or to get to public transit stops. This responsibility lies in the hands of municipalities, and it is important that they pay particular attention to this reality.

Participation in Public Life and Decision-making

The *Charter of Human Rights and Freedoms* prohibits age discrimination anywhere in Québec. In particular, it is forbidden to treat someone differently, to make offensive and repeated age-related comments, or to engage in offensive and repeated age-related behaviour.

Under the *Charter of Human Rights and Freedoms*, the Commission des droits de la personne et des droits de la jeunesse is responsible for receiving and processing complaints of discrimination, harassment, exploitation or reprisal.

The phenomenon of ageism, however, continues to be widespread. Some 60% of Canadians over the age of 66 have experienced ageism in their lifetime. Worldwide, one in two people had moderately or strongly ageist attitudes (D'Aragon-Giguère, 2021).

The job market is also grappling with this reality. Statistics show that short- and long-term unemployment rates increase with age, pointing to the mounting problems workers face as they approach the legal retirement age. Moreover, these rates do not take into account individuals who leave the workforce by taking early retirement because they are unable to find a job (Réseau FADOQ, 2018).

Seniors in Québec, however, have no restrictions on access to electoral processes (referendums, elections, etc.), either as voters or as candidates. Nothing restricts seniors' freedom of expression, association and assembly.

It is also important to note the positive reforms to the protective supervision or guardianship system the Curateur public du Québec has implemented to ensure respect for individuals' autonomy. Since 2018, the multiple forms of protective supervision that existed previously have been replaced by one protective supervision plan—tutorship to the person of full age. This plan is based on the capacities of an individual concerned by a protection mandate. The reform includes an obligation on the part of the court to determine whether the rules of the plan for a person of full age should be modified or clarified, taking into account the person's faculties. Flexibility is thus ensured, making it possible to draw up a customized plan by stipulating the acts that the adult can or cannot carry out alone. In this way, the preferences of the individuals concerned must be placed at the heart of decision-making.

Still, social dialogue on retirement in Québec must be improved. The fundamental socio-economic issues associated with retirement are multiplying, among them work-retirement balance, retirement income security and viability, improving savings plans, protecting retirement pensions, retaining and attracting experienced workers to the job market, involving retirees in decisions that concern them, and seniors' indebtedness.

There is currently no independent, permanent and well-resourced forum where retirement stakeholders can meet to inform government action on retirement. Apart from occasional consultations on retirement issues, retirees are consulted rarely. Note, for example, the exclusion of retirees from the Comité consultatif du travail et de la main-d'œuvre (CCTM), an advisory committee that examines pension plan issues, given that no consultative body specifically dedicated to the issue of retirement exists in Québec.

For a number of years, Réseau FADOQ has deplored this situation, and advocated the creation of an independent public body for consultation and study, the Conseil des partenaires de la retraite, which would be made up of an assembly of members representative of retirement stakeholders in Québec. Members would be drawn from unions, retirees' and seniors' groups, employers, youth groups, academia and social groups.

Finally, our organization decries the abolition of a consultative body focussed specifically on Québec seniors. This was the Conseil des aînés, whose main functions were to promote seniors' rights, interests and participation in community life, and to advise the Minister on all matters concerning seniors, in particular intergenerational solidarity, openness to pluralism and intercultural rapprochement.

The Conseil des aînés was made up of members chosen to reflect the make-up of Québec society and for their interest in seniors. They were appointed by the government, on the recommendation of the minister responsible for the application of the law, after consultation with the most representative organizations throughout Québec involved in defending the rights or promoting the interests of seniors. Despite an impressive track record and a modest budget, the Conseil des aînés was abolished in 2010 by the Québec government of the time.

Social Inclusion

Although it is forbidden to discriminate against seniors, their social inclusion depends on many factors and varies from one community to another.

For example, access to high-speed Internet services is not uniform across Canada's provinces and territories. The financial barrier is also an obstacle to the use of Internet services, whether in terms of subscriptions or the purchase of equipment for surfing the web.

According to Statistics Canada, around 30 percent of seniors do not use the Internet (Davidson and Schimmele, 2019). Among those who do have access to the Internet, many lack the digital skills needed to use tools that could have a positive impact on their mental health and well-being. It is thus important that governments in Canada work to improve digital literacy among seniors. Organizations developing programs in this area should be supported by governments. Réseau FADOQ, for example, is working to improve digital literacy among seniors through its Ateliers FADOQ.ca program.

Moreover, we would stress that small municipalities need to focus on demographic aging and develop comprehensive strategies, including "a land-use and regional development policy" (Simard, 2020) and a more inclusive and orienting mode of coordination over the long term (Marier, 2021).

Whether on the scale of a small rural community, a suburban area or an urban neighborhood, the housing issues associated with an aging population call for the adoption of comprehensive, inclusive and cross-disciplinary strategies that break with age segregation models, instead enabling better cohabitation among generations.

Some municipalities authorize the construction of private seniors' residences in locations far from the heart of the community. Cities need to ensure that people living in these environments will be able to access local shops and services, as well as cultural and community spaces in the host community. Municipalities must take into account seniors' mobility needs and capabilities when planning urban development projects in public spaces (e.g., the creation of plazas and relaxation areas). It would be appropriate to give seniors a place in the urban planning process.

Another positive step would be to develop a framework aimed at increasing support for the conversion of residential homes into intergenerational homes. Some seniors have large, multi-storey homes that are no longer fully occupied, with the first floor being the only living space. The upper floors could be converted into housing for other generations. In Québec, there are currently no financial measures to encourage this type of housing, and municipal regulations are very inconsistent.

In Québec, under the *Building Act*, the Régie du bâtiment du Québec has adopted a construction code containing standards for accessibility to buildings or equipment intended for public use. It ensures that they are applied to new buildings and conversions. Although more such action is needed, Réseau FADOQ recognizes that positive steps have been taken.

As far as intergenerational networking is concerned, the development of comprehensive government policies in this area continues to be pertinent. For example, seniors who are institutionalized often remain isolated from the community. In Québec, a shift has begun in this area to encourage the cohabitation of childcare centers and retirement homes. The Ministère de la Santé et des Services sociaux (MSSS) will take advantage of the construction of seniors' homes to offer rental space for childcare centres (CPE) at the same address. This is a good measure, although it only affects new buildings, but Réseau FADOQ welcomes the implementation of such a concept, which is very popular in Northern Europe.

Finally, Réseau FADOQ stresses the need to deconstruct stereotypes and prejudices about seniors. Portrayals of seniors in the media and other public discourse contribute significantly to ageist and negative perceptions of this population. Conversely, a lack of representations or truncated representations of this population can also have a detrimental effect.

In a report by Employment and Social Development Canada, nearly half of respondents said they had experienced ageism themselves, and the contexts in which respondents said they had encountered ageism were multiple: public, workplace and healthcare settings. In addition, over two-thirds of questionnaire respondents (69.9%) believed that ageism had increased in Canada since the COVID-19 pandemic (Employment and Social Development Canada, 2023).

The Right to Health and Access to Health Care

In Québec, and in Canada overall, health care is governed by the *Canada Health Act*, the federal law that regulates health insurance. The purpose of the Act is to protect, promote and restore the physical and mental well-being of residents of Canada, and to provide reasonable access to health services without financial or other barriers.

The purpose of the Act is to ensure that all eligible residents of Canada have reasonable access to medically necessary insured services without having to pay directly for these services when they are delivered.

The provinces and territories, however, are responsible for actually delivering health services to the population. As far as Québec is concerned, there are a number of shortcomings.

When it comes to home care, despite significant investments in recent years, Québec is clearly lagging behind. Québec currently spends 1.3% of its gross domestic product on long-term care for seniors, which is well below the 1.7% average reported by other OECD countries (Ginoux, 2020). As a result, nearly 21,000 people are still waiting for their first home support service.

What's more, certain goods essential to seniors' health are not covered by the Québec healthcare system. For example, the purchase of prescription glasses or contact lenses is not covered by the public plan. Yet, this expense can be significant for seniors, to the point where some will resign themselves to going without. This poses a significant risk, since vision is essential to daily life, helps maintain independence and prevents falls, which can have serious consequences.

For several years, our organization has also denounced the fact that the Québec government only covers the purchase, repair and replacement of a single hearing aid for people aged 65 and over. This is deplorable, especially since otolaryngologists and audioprothesists strongly advise against wearing a single hearing aid in the case of bilateral hearing loss, which represents the vast majority of cases. Hearing aids cost between \$3,000 and \$7,500 in Québec (Frémont, 2020). Nearly one quarter of people who need them cannot afford to purchase them.

In terms of Québec's immunization program, it should be noted that access to certain vaccines varies according to age. For example, the shingles vaccine is covered, but only for people aged 80 and over, and for immunocompromised people aged 18 and over. The influenza vaccine is still free, especially for people aged 65 and over. However, while the use of high-dose or adjuvanted vaccines is recommended for the elderly, access to this type of vaccine is difficult.

The state of palliative and end-of-life care must also be improved. In 2020, an external advisory group submitted a report highlighting a number of issues, including inequality of access to palliative and end-of-life care, lack of training for healthcare professionals, and inadequate home care services (Groupe de travail national pour un accès équitable à des soins palliatifs et de fin de vie de qualité, 2020).

Data from Québec's public health institute (Institut national de santé publique du Québec) (INSPQ), specifically their population health information office (Bureau d'information en santé des populations), indicate that among people likely to benefit from palliative care, around a quarter spend at least 14 days in hospital in the last month of life, and almost half visit the emergency department in the last two weeks of life (Bureau d'information en santé des populations, 2020).

The Canadian Institute for Health Information points out that early integration of palliative care can prove beneficial for patients and healthcare systems alike, since patients who receive palliative care earlier are less likely to visit emergency departments or receive aggressive treatments at the end of life, the latter being exhausting and costly (Canadian Institute for Health Information, 2018).

Finally, there are shortcomings in the organization of medical care in residential environments, including deficient monitoring and quality assurance systems, a personnel shortage and inadequate staff supervision. Currently, Québec lacks the equivalent of 5,340 full-time nurses and 3,358 full-time

orderlies and health and social services auxiliaries. In addition, there are 500 to 600 vacant positions for medical imaging technologists.

Many patients suffer the consequences of this lack of personnel. In 2018, in her annual report, the Québec Ombudsman emphasized that living conditions in long-term care facilities were akin to abuse (Protecteur du citoyen, 2018). The report noted that only basic needs were provided in many CHSLDs and that services such as weekly baths and oral hygiene care were postponed due to lack of personnel.

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