



Overview of Abuse & the Older Adult

Education for Health Care Professionals

Part 1: Legislation



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Incidence & Prevalence



- Because abuse is under-reported, it is estimated that up to 10% of older Canadians are victims of abuse.

- According to the World Health Organization, 1 in 6 older adults have experienced some form of abuse and studies have shown that abuse of the older adult can be commonly found in a **TRUSTED RELATIONSHIP**.

(National Senior Strategy, 2015; World Health Organization [WHO], 2017;)



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What is Abuse?



- **ABUSE** and **NEGLECT** usually occurs when there is mistreatment.
- In the older adult, it can commonly be found in those who depend on others for care.
- Depending on the severity of the situation, abuse and neglect of the older adult can result in criminal offences.

(Wangmo, Nordström, & Kressig, 2016; Justice Education Society, 2014)



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Criminal Code of Canada



- Many forms of abuse inflicted on the older adult are prohibited by the Criminal Code of Canada with the passage of Protecting Canada's Seniors Act in 2013.
- People who commit crimes that involve abuse are charged with physical and/or sexual assault, uttering threats, unlawful confinement, failing to provide the necessities of life, theft and fraud.

(National Senior Strategy, 2015; Victims of Violence, 2017)



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College Regulations

- Most professional colleges provide regulations, which include acts and omissions regarding physical, emotional and/or sexual harm to an individual.
- Generally, abuse falls under **PROFESSIONAL MISCONDUCT** if perpetrated by a health care provider (HCP).
- When the actions are abusive, whether or not the person intended them to be so, the conduct is still considered abusive.

(College of Nurses of Ontario, 2017)

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Professional Misconduct & Sexual Abuse

- Sexual abuse in the health care context has a different meaning than criminal sexual assault and covers a broader spectrum of behaviour.
- Because a health care professional is in a position of power, any form of sexual contact with an individual who is under their care is considered professional misconduct even if the individual has agreed to the sexual acts.
- When an employer or HCP becomes aware that a HCP may have sexually abused an individual, they are required to report to the appropriate College.

(College of Nurses of Ontario, 2017)

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Legislation Protecting Abused Older Adults

There are several pieces of legislation that protect older adults from abuse.

- Long-Term Care Home Act, 2007
- Retirement Homes Act, 2010
- Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 (Regulation 299/10)
- Canadian Charter of Rights and Freedoms

[\(Elder Abuse Ontario, 2017b\)](#)

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