

**PRESENTATION TO THE STANDING SENATE COMMITTEE ON
OFFICIAL LANGUAGES**
By the Association francophone des aînés du Nouveau-Brunswick
May 15, 2023

At a virtual round table on June 15, 2021, World Elder Abuse Awareness Day, the panel provided a clear picture of the state of care and support services in New Brunswick nursing homes. More than 75 people deeply concerned about the treatment of residents of nursing homes across the province attended this virtual round table. At the end of this round table, the Association francophone des aînés du Nouveau- Brunswick (AFANB) was asked to pursue this issue to find solutions to improve the situation for seniors in nursing homes or those who are still living at home and need support services.

The AFANB Comité d'action sur la bienveillance envers les aînés (Action Committee for the Well-being of Seniors) met weekly for one year and met almost everyone involved in delivering care and support services for seniors. After one year, the report "New Brunswick's Elders: Neglected and Forgotten"¹ was released (In French: "Vieillir dans l'indifférence et l'indignité au Nouveau-Brunswick").² The different sections of the report are quite vivid and speak for themselves:

- **The need for action is urgent** – People in nursing homes cannot wait ten years for issues to be addressed. We must act now.
- **It's not the first time we've talked about this** – Two reports (in 2012 and 2017) have been written on the situation in New Brunswick. Our report highlights what is already known and repeats many of the same recommendations, but in more direct language.
- **Growing old in total indifference and indignity** – The pandemic laid bare already existing problems of abuse. The labour shortage has worsened with the pandemic.
- **The code of silence** – Seniors and their families are afraid to complain because they are told: "If you don't like it, you can go somewhere else!" Some have been evicted from their nursing homes for making complaints.
- **The junk food feast** – Food is one of the few pleasures that are important for nursing homes residents. Unfortunately, there are countless stories about the poor quality of food that it is frankly revolting.
- **Swallow your pill** – Families often report stories of medications improperly distributed or not refilled or over-the-counter medications used as sedatives.
- **Rules are the rules... but not for everyone!** – Special care homes are all private facilities governed by the *Family Services Act*, not the *Nursing Homes Act*. Therefore, 404 special care homes are less regulated than long-term care homes.

¹ <https://afanb.org/wp-content/uploads/2022/07/New-Brunswicks-elders-neglected-and-forgotten.pdf>

² <https://afanb.org/wp-content/uploads/2022/07/Vieillir-dans-lindiffe%CC%81rence-et-lindignite%CC%81-au-Nouveau-Brunswick.pdf>

- **The great neglected group** – Seniors who occupy hospital beds waiting for a nursing home bed after being discharged from the hospital are no longer under the Department of Health’s jurisdiction. The Department of Social Development does not take responsibility for them because they are still attached to the Department of Health. Each department wants to divest itself of its responsibilities to these abandoned seniors.
- **To be at home... but not in misery** – The goal must be to help seniors live at home as long as possible without being miserable. This will require setting up an effective and accessible province-wide support system. Currently, New Brunswick has no consistent province-wide infrastructure. Some areas have no home support services for seniors. There are no support services for caregivers allowing seniors to live at home longer.

Recommendations:

The report contains six recommendations, but here are four that could improve the quality of services to seniors:

1. **Communication** – Establish a consistent communication process between home management and residents’ families.
2. **Home care** – Prioritize and invest more in home care.
3. **Revised standards** – Revise nursing home standards so that long-term care homes and special care homes are governed by the same legislation and standards.
4. **New structure** – Change the structure of nursing homes so that most are public, managed by not-for-profit rather than private organizations.

The situation for francophone seniors in New Brunswick

The AFANB submitted a brief to the Commissioners for the Review of the Official Languages Act in New Brunswick (OLA-NB), Justice Yvette Finn and Mr. John McLaughlin, in August 2021.³

The situation for francophone seniors in New Brunswick nursing homes is deplorable compared to that of anglophone seniors because services are not always available in French. Presently, the OLA-NB does not mention “nursing homes” or the obligation to provide nursing home services in French. Many francophone seniors live in nursing homes that are unable to provide health services in their mother tongue. We want to stress the importance of providing francophone seniors with services in their language, not only for health reasons but also for safety reasons. These seniors must be served in their language so that they understand what they are told and can be understood by the staff.

³ <https://afanb.org/wp-content/uploads/2022/07/AFANB-Me%CC%81moire-dans-le-cadre-de-la-re%CC%81vision-pre%CC%81vue-au-paragraphe-421-de-la-loi-sur-les-langues-officiellesL.N-B-2002-C-O-05-1.pdf> [in French only]

Some families in New Brunswick's capital choose to place their parents in a Moncton nursing home because no Fredericton nursing home offers services in French. Therefore, to visit their parents, they have to drive two hours there and back. This is unacceptable in an officially bilingual province. Seniors should be served in one of the province's and country's two official languages in the final phase of their lives and without exception.

Several New Brunswick Acadian regions are located in rural areas where health services are not always available. People must often travel two to five hours by road, depending on their health care needs, and then find themselves served in English. Seniors already find it difficult to travel long distances. Not being able to find service in one's mother tongue adds another layer of stress, anxiety and frustration.

We recommend in our brief to Commissioners Finn and McLaughlin, among other things:

1. That services provided to the public by nursing homes established under the *Nursing Homes Act* be in both official languages in all the province's health regions to meet the needs of the province's two official language communities.
2. That for health care delivery in the province, all institutions, facilities and health programs operated by the Department of Health or the Regional Health Authorities established under the *Regional Health Authorities Act* ensure that all services to the public are provided in both the province's official languages at all times.
3. That the definition of "nursing home" be included in the new version of the OLA-NB.⁴

Currently, the *Nursing Homes Act* does not include language requirements for nursing home managers in the province. It is clear, however, that the Department of Social Development closely oversees the operations and management of the province's nursing homes.⁵ While these facilities are not strictly provincially owned, they are third parties providing services on behalf of the province. As such, nursing homes meet the definition in section 30 of the OLA-NB and, as such, are required to comply with third-party obligations.⁶

How can the federal government support francophone seniors in New Brunswick and Canada?

The Province of New Brunswick has its own OLA, and various health and support services for seniors should not be of federal concern. However, New Brunswick cannot serve as an example to other provinces when it comes to providing care

⁴ <https://afanb.org/wp-content/uploads/2022/07/AFANB-Me%CC%81moire-dans-le-cadre-de-la-re%CC%81vision-pre%CC%81vue-au-paragraphe-421-de-la-loi-sur-les-langues-officiellesL.N-B-2002-C-O-05-1.pdf>, p. 5

⁵ See the *Nursing Homes Act* and associated regulations.

⁶ OLA-NB, *supra* note 1, ss. 27 to 30.

and support to seniors. It is sad to note that nursing homes, even in francophone regions, are finding it increasingly difficult to provide services in French. With the labour shortage, nursing homes must rely on immigrants and newcomers to maintain their services. Many of them cannot speak French. As a result, the situation has worsened; not only do English-language nursing homes not offer services in French, but even French-language nursing homes have trouble providing their services in their patient's mother tongue.

It is easy to blame the labour shortage for the lack of French-language services in nursing homes and home support services. But practically no effort has been made to recruit and retain staff. Nursing home attendants and home support workers do not make much more than employees working at Tim Hortons or McDonald's. Working conditions are very difficult. That is why staff turnover is at about 40%.

The last provincial budget allocated \$44.9 million for wage increases for special care home attendants and home support services. This is a very good start. This initiative must be carried out if we want to recruit staff for nursing homes and home support services.

Vitalité Health Network pays for training courses for new orderlies and provides a \$10,000 bonus if they work for Vitalité Health Network for two years. Nursing home attendants and home support workers should be offered the same.

What the federal government could do ensure care and support services to seniors in the minority official language of their choice.

The federal government provides significant funding to the provinces and territories to provide quality health services. All provinces and territories are concerned with providing quality health services to their citizens. However, there is less concern about providing bilingual services or services in French to minority francophones, even in New Brunswick.

With its new action plan on official languages, the federal government should take advantage of this new momentum or continuity to add new rules for allocating health care funding to the provinces, especially for the growing number of seniors. Given the issues facing francophone seniors in Canada and particularly in New Brunswick, we recommend that the federal government:

1. Add a language clause to federal health transfers to improve French-language services for francophone minority communities;
2. Add a language clause to transfers for seniors' care so that minority francophone seniors can receive French-language care and support services in nursing homes and at home;
3. Contribute generously to francophone post-secondary institutions outside Quebec and anglophone institutions in Quebec to promote staff retention and recruitment in nursing homes and home support services; and

4. Support the research sector in finding solutions that promote access to care and support services for seniors in the language of their choice.

In conclusion, the provinces and the federal government must work together to provide better care and support services for seniors. It is also essential that the federal government impose language clauses in the transfer of funds for these services so that official language minority communities can not only receive decent services but also receive them in the language of their choice.