

Policy Motions adopted in 2020:

- **A provincial tax credit program for home health care and independent living services**

Whereas, despite the reality that many older adults will require assisted living or long-term care supports, 91% of Canadians of all ages - and almost 100% of Canadians 65 years of age and older - report that they plan on supporting themselves to live safely and independently in their own home as long as possible; and

Whereas, across B.C., hundreds of non-government home health operators and independent living operators support tens of thousands of seniors to remain independent; and

Whereas, non-government home care and home support services are a critical, but often underrecognized component of B.C.'s senior care system; and

Whereas, there are many reasons why seniors choose to access private home health services, including greater flexibility, more continuity in workers, personal and care needs which exceed the level of service delivered by the public system, and financial reasons; and

Whereas, independent living (sometimes referred to as seniors' living or retirement living) has become a preferred choice for many seniors who are able to continue living independently in the more than 19,000 independent living suites across the province, but can benefit with the assistance of support services such as meals, housekeeping and recreation; and

Whereas, over the coming years, it is expected COVID-19 will affect the affordability and sustainability of private home health services and independent living; and

Whereas, a new stand alone, provincial tax credit could help to subsidize the costs incurred by seniors who access services privately; and

Whereas, a refundable tax credit would support seniors to age in place and remain independent; and

Whereas, a refundable tax credit would ensure that the public system can remain sustainable as our province prepares for an aging population:

Therefore, BCCPA recommends:

that the BC government create a new provincial tax credit program, through which seniors who access non-government home health care or independent living services are eligible to receive a refundable tax credit.

- **A COVID-19 Testing Strategy for BC's Seniors' Care Sector**

Whereas, a comprehensive testing and contact tracing strategy is one of the key pillars of any provincial approach to reducing and mitigating the spread of COVID-19 in the seniors' care and living sector; and

Whereas the older adults—particularly those in long-term care, assisted living, independent living and home health settings—are at an elevated risk of mortality and morbidity if exposed to SARS-CoV-2; and

Whereas emerging evidence demonstrates that COVID-19 outbreaks in seniors' care and living residences is highly correlated with community transmission, and the number of outbreaks in British Columbia's seniors' care and living settings has increased significantly since the summer of 2020; and

Whereas up to three-quarters of positive COVID-19 cases among staff in continuing care may be asymptomatic or pre-symptomatic, and not detected by symptom screening or one-off testing; and

Whereas timely test results (ideally within 24 hours) are crucial to preventing and managing outbreaks in seniors' care and living settings where the elderly are most vulnerable to the virus; and

Whereas, an October 2020 interim report from Ontario's Long Term Care Commission recommends longterm care residents should be provided the highest priority access to testing and quick turn-around of

results for residents and staff including that government prioritize long term care for point of care and less invasive tests as they become available;x and

Whereas the Government of British Columbia has announced \$1.6 billion for a fall and winter preparedness plan, including hiring an additional 600 contact tracers with the goal to increase capacity to 20,000 tests per day; and

Whereas the Government of Canada has approved the provincial use of rapid-testing and purchased 7.9 million rapid tests for distribution to the provinces and territories; and

Whereas increased and expedited testing has the potential to reduce COVID-19 outbreaks in the seniors' care and living sector, as well as facilitate the safe return of social visitors, as

identified in BCCPA's The Best Visit Possible guide for supporting family visits during COVID-19; and

Whereas, Canadian jurisdictions, including BC, are seeing increased COVID-19 outbreaks in seniors' care and living settings coinciding with increases in community transmission, there is an immediate need for developing a testing strategy for older adults that is fully funded by the BC government as well as outlines

guidelines in areas such as how often workers are tested and targets for test turnaround times (i.e. ideally within 24 hours).

As such, BCCPA recommends:

That, by the end of December 2020, the BC Government develop and fully fund a provincial COVID-19 testing strategy for seniors' care and living that includes specific targets around the frequency of testing and test result turnaround times for those working in long term care, assisted living, home health and independent living in order to help prevent or mitigate the spread of COVID-19. Along with providing priority access to testing and quick turn-around of results, the BC Government should also prioritize the seniors care sector for point of care and less invasive tests as they become available.

- Civil Liability Protection for BC's Seniors' Care and Living Sector

Whereas, the Ontario government introduced Bill 218 (Supporting Ontario's Recovery Act) which shields workers as well as operators in the seniors' care and living sector (including long term care and retirement homes) who act in "good faith" and without "gross negligence," from being sued for exposing others to the novel coronavirus that causes COVID-19; and

Whereas, with Bill 218 Ontario becomes the third jurisdiction in Canada and the 38th jurisdiction in North America to propose protections from civil liability relating to exposure to COVID-19 and, if enacted, would offer protection from civil liability for workers, volunteers and essential businesses that have made and are making an honest effort to follow public health guidelines and COVID-19-related laws; and

Whereas, Bill 218 does not prevent the seniors' care and living sector from civil litigation in cases of gross negligence; it does protect operators who took the necessary precautions and acted in good faith; and

Whereas, other jurisdictions including in the United States as well as Canada (i.e. Nova Scotia) have legislation in place to help protect workers supporting communities during the COVID-19 pandemic; and

Whereas, Quebec has also enacted liability shields to protect seniors care operators, its legislation notes that the unavailability of material, financial or human resources is a legal defence under section 13 of the Act Respecting Health Services and Social Services and, therefore, the unavailability of personal protective equipment (PPE), or of staff, is a potential legal defence for operators; and

Whereas, some care home operators are facing multiple class action lawsuits, and the unprecedented nature of the pandemic has placed undue financial and other strains on care providers, while communities work to maintain high-quality levels of care and safety for residents; and

Whereas, one of arguments in favor of immunity is that COVID-19 lawsuits will exacerbate pressures from providers already reeling from rising insurance costs due to an elevated risk environment as seen in Ontario where many care homes are unable to obtain insurance and might be forced to close; and

Whereas, BC passed a cabinet order that provides a strong temporary liability shield stating any person or corporation "providing an essential service" is not liable for damages resulting from COVID-19 infections, and the list of BC essential service providers granted immunity includes front-line health workers and long-term care homes; however, it does not apply in all circumstances; and

Whereas, the British Columbia COVID-19 Measures Act (the Act) provides limited protections – such as a liability extension of 45 days after emergency orders are lifted – while other sectors such as sports and bylaw enforcement get an extended 90-day extension of liability protection; and

Whereas, the Act does not protect the seniors' care and living sector operators in the way Ontario's Bill 218 does;

Therefore, BC Care Providers Association (BCCPA), through further advocacy efforts, recommends:

That the B.C. Government introduce appropriate legislation that would offer protection from civil liability for workers, volunteers and organizations in the seniors' care and living sector – including long term care, assisted living, independent living and home health care operators – that have made and are making an honest effort to follow public health guidelines and COVID-19-related laws.