

Bill against abuse

Bill 115 does not respond to the promise made to fight abuse

Montreal, January 17, 2017 – ‘It is quite a flawed Bill which should be completely revised as it does not reflect any general outlook on how to efficiently fight abuse against seniors and persons in a vulnerable position, has stated at the outset Mr. Pierre Blain, the RPCU’s Director General, during today’s presentations made before the parliamentary committee which is studying Bill 115 whose purpose is *to fight abuse against seniors and all other adult persons in a vulnerable position*. The RPCU is the main group representing the Health network’s users.

The present Bill targets only the Health and Social Services sector, when in reality, the majority of abuse cases happen elsewhere, very often at home. ‘In a single blow, we ignore a very large proportion of seniors, victims of abuse. It is a record in denial and negation’ declares Mr. Blain who is very disappointed in the lack of substance and reach to be found in the Bill; the RPCU has been calling for an efficient Bill to fight this scourge for many years.

Abusers are protected

This nebulous Bill will have no effect on employees who are at fault since, on one side, Article 76.8 of the Act respecting Health Services and Social Services (LSSSS) – which has not been amended – prevents a user’s complaint to be recorded on an employee’s file, and, on the other, the collective agreements (Article 5.08) ensure that disciplinary sanctions are withdrawn from the file after one year. Thus, an abusive employee sees his or her wrongdoing disappear from his or her file after one year, as if it had magically never happened...and this is how abuse is addressed.

But who does what exactly? Who notes what observation?

If the Bill is passed in its current format, the Service Quality and Complaints commissioners will have a different role. They will go from being impartial evaluators – with the power to make recommendations – to being executive judges whose role will not be the same in the other areas they cover. To this murkiness, add the fact that these commissioners will have no say in the case of an abusive doctor. Rather, it will be the medical examiner who will have this role. So, who does what when it comes to a Report on Abuse which has been talked about abundantly in the Bill, but has not even been defined?

Support for victims within the institutions

The Users’ committees in all institutions have the mission of accompanying a user who wishes to lodge a complaint, these very committees are being ignored in Bill 115. ‘It is regrettable that, within the few basic parameters, the Bill does not talk specifically about the Users and In-patients’ committees’ contribution in this area. With the Service Quality and Complaints commissioners as evidence, it is nevertheless the committees, much more so than third parties, who are the closest to the users and who could make good use of this new Bill. ‘To do otherwise is unthinkable’ laments Claude Ménard, President of the Regroupement (RPCU).

Ten recommendations put forth

Consequently, the RPCU will not endorse the Bill unless this one is subjected to a substantial improvement based on the ten recommendations submitted by the RPCU, notably that, in the case of an abuse complaint, the person who is the object of the complaint be removed from the environment of the person who is lodging the complaint, and that the monitoring means, such as security cameras or any other technological mean, be approved in order to protect vulnerable persons.

Drawing upon other existing laws

The RPCU wants the fight against abuse to consider all 8.5 million Quebecers who, when they happen to find themselves in a vulnerable position, are able to enjoy a minimum of legal protections at least equivalent to those offered by other statutes such as the Youth Protection Act. It is always odious to make comparisons, but the RPCU cannot ignore the many provisions that exist in other statutes but are not found in Bill 115 which is supposed to protect seniors and vulnerable persons.' regrets Mr. Blain.

About the RPCU

The Regroupement provincial des comités des usagers (RPCU) defends the rights of users and is the spokesperson for the 600 Users and In-patients' committees within Quebec's Health and Social Services institutions. These committees' mission is to defend the rights of users and to work towards improving the quality of services offered to the users within the Health and Social Service network. The RPCU also defends the rights of seniors and youth.