

**REPORT ON OLDER PERSONS IN THE CONTEXT OF CLIMATE-CHANGE INDUCED DISASTERS AND BUILDING BACK BETTER**

**INPUT TO THE REPORT OF THE UN INDEPENDENT EXPERT ON THE ENJOYMENT OF ALL HUMAN RIGHTS OF OLDER PERSONS TO THE 78TH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY**

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**Introduction**

Climate change is the biggest threat faced by modern humans and is labelled as a “crisis multiplier” by the United Nations Secretary-General, António Guterres.[[1]](#footnote-1) Canada is warming at twice the global rate negatively impacting the supply of food, water, air, and the environment.[[2]](#footnote-2) Older persons are particularly vulnerable to extreme weather events resulting in causing disastrous, often fatal changes to their physical and health mental health, mobility, immunity, cardiac, and respiratory status, augmented by inadequate access to health care, medications, and assistance with daily life. Worse outcomes are related to psychosocial factors including poverty, female gender, Indigenous or minority status, national or social origin, and disability.[[3]](#footnote-3) The impacts of climate change are a human rights violation, which must be urgently rectified by global recognition of the human right to a safe, clean, healthy, and sustainable environment with special attention to older persons.[[4]](#footnote-4)

This report focuses on two illustrative cases of climate-induced disasters at the provincial level: the 2021 extreme heatwave in British Columbia, and power outages following severe weather events in Ontario in 2022. We will illustrate using the example of the British Columbia heat wave that older Canadians have suffered exponentially more during climate change. Moreover we will show that data is not properly collected to measure the full impact of climate change on older Canadians as evidenced by the power outages in Ontario. This is in itself ageist and the lack of data ensures that there will be no policy response. A United Nations convention on the rights of older persons is now urgently needed as part of the solution to the climate change crisis.

**The Canadian Legal and Policy Framework**

Canada has both federal and provincial/territorial legislation on emergency disasters. Federal emergency legislation and response plans apply only to situations that are within federal jurisdiction or cannot be dealt with by the provinces and territories.[[5]](#footnote-5) The federal legislation does not specifically address the needs of older persons. Provinces and territories have their own legislation on emergency disasters.[[6]](#footnote-6) Yet, again, none of them address specifically the needs of older persons.

British Columbia Heat Dome

Between June 25 and July 1, 2021, the province of British Columbia experienced a “heat dome” with record temperatures of over 49ºC. Almost 600 people died as a result, with 91% of victims aged 60 or over.[[7]](#footnote-7) Human Rights Watch reports that a “lack of access to cooling and targeted support contributed to preventable suffering and possibly the death of older people and persons with disabilities,”[[8]](#footnote-8) a clear violation of their human rights. Further, most deaths occurred among people living alone and at lower income levels.

In the aftermath, the BC provincial government promised an extreme heat response framework. Elements of the response issued to date include both government/health systems and individual/community level actions. A committee of public health bodies formed in early 2022 to ensure coordination in extreme hot weather produced the BC ‘Heat Alert and Response System’ (HARS).[[9]](#footnote-9) The HARS is intersectional, and specifically addresses the increased risk of extreme heat for vulnerable populations, including older persons, those with chronic or mental illness, and materially or socially disadvantaged people.[[10]](#footnote-10) The core of HARS is an Extreme Heat Emergency warning, which activates a series of responses by different ministries, levels of government, public health organizations and professionals, and the general public. Key messages and recommended actions for each group are included in the plan, which is intended to be iterative.

The province also issued an ‘Extreme Heat Preparedness Guide’ for citizens in 2022, the first step of which is to identify high risk individuals such as persons over 65 years of age and other vulnerable people who need to be prepared and supported during heat emergencies.[[11]](#footnote-11) The guide is targeted to individuals with the goal of planning ahead and establishing social connections to help communities manage during an extreme heat event.

A separate effort to repeal and replace the province’s outdated emergency management legislation has been underway for several years.[[12]](#footnote-12) Policy shifts for the proposed legislation, which has yet to be drafted, include co-development with Indigenous groups in accordance with the BC *Declaration on the Rights of Indigenous Persons Act,* specific consideration of climate change in risk assessments, and consideration of vulnerable groups and intersectionality. Reference is made to broad consultation on the new legislation, however no specifics appear to be available on who was consulted.

These efforts are laudable, however, there may still be an over-reliance on the community to meet the needs of older persons during extreme heat events. A rights-based approach would put the ultimate responsibility for protecting the most vulnerable members of society on the government.

Ontario Power Outages 2022

The province of Ontario experiences severe storms year-round, which can cause extended power outages lasting for several hours or even days. This poses a high risk to those living in long-term care facilities, in particular those requiring feeding pumps or other essential technology relying on electricity.

Regulations under the provincial *Fixing Long-Term Care Act* require all long-term care homes to have a back-up generator capable of maintaining heating, emergency lighting, alarms on doors leading to the outside, and essential services including dietary services, resident-staff communication systems, elevators, life support, and safety and emergency equipment. As of July 11, 2023, the generator will also be required to power “equipment required to store drugs at safe temperatures and to prepare and deliver drugs.” Depending on the classification of the beds in a particular long-term care home, the generator must be available immediately, or within a maximum of three hours from the start of a power outage. The three-hour window will be removed as of January 1, 2025.[[13]](#footnote-13) Fines for an individual in breach of the *Fixing Long-Term Care Act* are up to $200,000 plus up to 12 months in jail, and a corporation can be fined up to $1,000,000. A home can also have its operating license revoked or be ordered to stop accepting new residents.

Despite these legal requirements, at least one Ontario long-term care facility, home to 60 people, was without power for 13.5 hours during an outage in December 2022. This was reportedly the facility’s third extended power outage in the last three years. As of March 2023, no long-term care home faced quasi-criminal charges or fines under the Act, despite the clear breaches of the emergency generator requirements.[[14]](#footnote-14)

The back-up generator legislation is robust, however, it is not being effectively enforced. Without enforcement by the provincial government, the human rights of long-term care residents will continue to be imperilled by extreme weather-related power outages. Further, the lack of enforcement leads to a dearth of data on the number and duration of outages, the number of facilities and people impacted, the nature of the impacts, and efforts to improve compliance, meaning older persons continue to suffer in silence.

Similarly, the human rights of older persons and persons with disabilities are endangered by the absence of a legislative requirement for back-up generators in multi-storey condominium and apartment buildings. When the power goes out due to extreme weather, elevators cease to function and countless numbers of residents with mobility issues are trapped in their homes without access to food, water, or non-emergency medical care. Residents also cannot descend the stairs to access respite services. Currently, having a back-up generator is voluntary for landlords and condominium corporations.

In March of 2023, a Member of Provincial Parliament for Ontario tabled a bill that would have required residential buildings to have a generator capable of powering at least one elevator, water pumps and lights in common areas.[[15]](#footnote-15) The Bill was endorsed by the Toronto City Council, but not the Ottawa City Council, and is unlikely to pass the provincial legislature as it lacks support from the current conservative government. The cost to landlords and condo boards of putting in the generators is cited as a primary concern.[[16]](#footnote-16) Disaggregated data on the number and duration of power outages affecting multi-storey residential buildings, the number of impacted residents with mobility issues, and the nature of the impacts is currently non-existent. Such data should be collected to support the legislative call for generators.

**Data**

Older persons are traditionally considered high-risk in disaster situations because of vulnerabilities associated with age-related functional decline.[[17]](#footnote-17) There are continued calls for disaggregated data in disaster-related fields to better understand how the social determinants of health contribute to distinct experiences based on age, gender, and race.[[18]](#footnote-18) In Canada, recent climate-related emergencies, like those noted above, continue to highlight the need for disaggregated data to better understand the distinct experiences of older persons. However, a search of current guiding documents and frameworks does not yield any data-based results.

What is evident is that collecting disaggregated data is challenging. Recent evidence-informed expert recommendations put forward by the Canadian Red Cross in collaboration with the National Institute on Aging indicate that data registries for high-risk populations have several limitations, including: unrealistic expectations from people who sign-up that they will be provided with priority assistance during a response; quick stale dating of information; and stigma associated with identifying as ‘vulnerable’.[[19]](#footnote-19),[[20]](#footnote-20) Despite these challenges, the collection of disaggregated data remains an important tool for assessing the effectiveness of programs, policies, and community activities. Future research should focus on developing effective strategies for collecting disaggregated data in communities.

**Conclusion**

A rights-based approach continues to be missing from the climate-change induced disaster responses noted above. Current legislation and response plans do not encompass the full slate of recommendations made in the Public Health Agency of Canada’s 2008 report [[21]](#footnote-21) which was submitted to the UN Commission on Social Development. These recommendations include strengthening communication strategies (including dissemination of emergency information), integrating older people in all stages of emergency preparedness, improving accessibility to community resources, and developing instruments such as practice codes and guidelines to specifically address the needs of older people in emergencies. In other words, we know what to do but have not taken the steps to implement meaningful change to better the lives of older persons.

The examples in this paper illustrate the disproportionate impact that climate change has had on the older Canadians, leading to unnecessary death and suffering. There were clear violations of the right to health, the right to life and the right to protection in disasters, leading Human Rights Watch to call out the governments of Canada and British Columbia for inaction in the case of the heatwave in 2021. Moreover the lack of data on the effect of the 2022 power outages, and the lack of action by government to address abusers of legislation, allows for increased suffering of older persons.

International Longevity Centre Canada calls on the Canadian government to support a United Nations convention on the rights of older persons to ensure that the rights of older citizens and older persons around the world are protected from further harm and neglect when facing climate change.

1. United Nations Security Council, “*Climate Change ‘Biggest Threat Humans Have Ever Faced’, World-Renowned Naturalist Tells Security Council, Calls for Greater Global Cooperation, February 23, 2021, available at:* <https://press.un.org/en/2021/sc14445.doc.htm> [↑](#footnote-ref-1)
2. Natural Resources Canada, “*Climate Change Adaptation in Canada”,* November 24, 2022, available at: <https://natural-resources.canada.ca/climate-change/what-adaptation/10025> [↑](#footnote-ref-2)
3. United Nations Office of the Hight Commissioner of Human Rights, “*The Impact of Climate Change on the Rights of Older Persons”,* 2023, available at: <https://www.ohchr.org/en/climate-change/impact-climate-change-rights-older-persons> [↑](#footnote-ref-3)
4. United Nations General Assembly Human Rights Council, “*Summary of the panel discussion on the human rights of older persons in the context of climate change*”, Forty-ninth session, 28 February – 1 April, 2022, A/HCR/49/61, available at:

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F49%2F61&Language=E&DeviceType=Desktop&LangRequested=False> [↑](#footnote-ref-4)
5. *Emergencies Act*, R.S.C., 1985, c. 22 (4th Supp.). Of note, an [Emergency Management Strategy for Canada](https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/mrgncy-mngmnt-strtgy/mrgncy-mngmnt-strtgy-en.pdf) was produced by a collaboration of Federal, Provincial and Municipal governments in 2019. It makes passing reference to the increased risks of vulnerable groups, including older persons, and intersectionality. [↑](#footnote-ref-5)
6. In British Columbia, see *Emergency Program Act*, RSBC 1996, c 111; in Ontario, *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9. [↑](#footnote-ref-6)
7. British Columbia Coroner’s Service, “*Heat Related Deaths in BC – Knowledge Update*”, November 1, 2021, available at: <https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/statistical/heat_related_deaths_in_bc_knowledge_update.pdf> [↑](#footnote-ref-7)
8. LaFortune, Rachel, “*One Year Since Deadly Heatwave in Canada, Protections Still Needed*”, May 27, 2022, Human Rights Watch, available at: <https://www.hrw.org/news/2022/05/27/one-year-deadly-heatwave-canada-protections-still-needed> [↑](#footnote-ref-8)
9. “*BC Provincial Heat Alert and Response System (BC HARS): 2022*”, available at <http://www.bccdc.ca/resource-gallery/Documents/Guidelines%20and%20Forms/Guidelines%20and%20Manuals/Health-Environment/Provincial-Heat-Alerting-Response-System.pdf> [↑](#footnote-ref-9)
10. ***Ibid.,*** section 5 [↑](#footnote-ref-10)
11. PreparedBC, “*Extreme Heat Preparedness Guide*”, 2022, available at: <https://www2.gov.bc.ca/assets/gov/public-safety-and-emergency-services/emergency-preparedness-response-recovery/embc/preparedbc/preparedbc-guides/preparedbc_extreme_heat_guide.pdf> [↑](#footnote-ref-11)
12. British Columbia, “*Modernized emergency management legislation*”, February 8, 2023, available at: <https://www2.gov.bc.ca/gov/content/safety/emergency-management/emergency-management/legislation-and-regulations/modernizing-epa#news> [↑](#footnote-ref-12)
13. ##  Ontario Regulation 246/22, *Fixing Long-Term Care Act,* 2021, SO 2021, c 39, sch 1, sections 12 and 22, available at: <https://www.canlii.org/en/on/laws/regu/o-reg-246-22/latest/o-reg-246-22.html>

 [↑](#footnote-ref-13)
14. #  Howlett, K., and Grant, K., “*A Hamilton nursing home lost power for more than 13 hours. Internal documents show it wasn’t an isolated incident*”, The Globe and Mail, March 20, 2023, available at: <https://www.theglobeandmail.com/canada/article-long-term-care-blackadar-ontario/>

 [↑](#footnote-ref-14)
15. Legislative Assembly of Ontario, *Bill 47, Protecting Human Rights in the Event of an Emergency Act (Emergency Power Generators)*, 2023, available at: <https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-47> [↑](#footnote-ref-15)
16. Raymond, Ted, “*Ottawa area MPP disappointed in lack of support for derecho-inspired generator bill*,” CTV News Ottawa, February 22, 2023, available at: <https://ottawa.ctvnews.ca/ottawa-area-mpp-disappointed-in-lack-of-support-for-derecho-inspired-generator-bill-1.6285347> [↑](#footnote-ref-16)
17. World Health Organization, “*Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases*”, 2011, available at: <https://www.who.int/nmh/events/un_ncd_summit2011/political_declaration_en.pdf> [↑](#footnote-ref-17)
18. World Health Organization, “*Older people in emergencies: Considerations for action and policy development*,” 2008, available at: <https://extranet.who.int/agefriendlyworld/wp-content/uploads/2014/06/WHO-Older-Persons-in-Emergencies-Considerations-for-Action-and-Policy-Development-English.pdf> [↑](#footnote-ref-18)
19. Canadian Red Cross & National Institute on Aging, “*Closing the Gaps: Advancing Emergency Preparedness, Response and Recovery for Older Adults*”, 2020, available at: <https://static1.squarespace.com/static/5c2fa7b03917eed9b5a436d8/t/5fd2410d9db3cd0795e984ed/1607614734474/CRC_WhitePaper_EN.pdf> [↑](#footnote-ref-19)
20. ***Supra,*** note 18. [↑](#footnote-ref-20)
21. Public Health Agency of Canada, *“Building a Global Framework to Address the Needs and Contributions of Older Persons in Emergencies”,* 2008, available at: <https://www.canada.ca/content/dam/phac-aspc/migration/phac-aspc/seniors-aines/alt-formats/pdf/publications/pro/emergency-urgence/global-mondial/global-eng.pdf> [↑](#footnote-ref-21)