

## A Draft Framework for an Anti-Ageist Approach to the Law - June 2011

**For the complete document go to:**

<http://www.lco-cdo.org/en/older-adults-interim-report-draft-framework>

The Law Commission of Ontario (LCO) has prepared a draft framework for an anti-ageist approach to the law. It is based on consultation and extensive research, and is now being circulated for further consultation. The LCO invites comment on the content, scope, structure and format of this document. Based on the comments received, a revised final version will be released to the public in early 2012.

The Framework was developed for use by:

- Policy-makers and legislators;
- Advocacy organizations and community groups that deal with issues affecting older adults; and
- Public or private actors that develop or administer policies or programs that may affect older adults.

The Framework is intended to assist with the development and evaluation of laws, policies and practices to ensure that the realities of the circumstances and experiences of older adults are taken into account, and that laws, policies and programs promote positive outcomes for these members of society.

It is accompanied by an extensive Interim Report, which sets out the research and analysis which form the basis for the Framework, and provides examples of its implications and implementation.

It is built upon and expands on work already done in this area, including the National Framework on Aging and Seniors Policy Lens, the International Principles for Older Persons and other international documents, the Senate Special Committee Report on Aging, the work of the Ontario Human Rights Commission on human rights and older age, and many other important initiatives that have been undertaken both in Canada and abroad over the last fifteen years.

It consists of three elements:

1. A set of principles which may form the basis for an anti-ageist approach to law, policy and practice:

- a. Respect for Dignity and Worth
  - b. Promotion of Independence and Autonomy
  - c. Enhancement of Participation and Inclusion
  - d. Recognition of the Importance of Security
  - e. Recognition of Diversity and Individuality
  - f. Understanding Membership in the Broader Community
2. An outline of key circumstances and contexts of older adults that should be taken into account when developing laws, policies and practices; and
  3. A practical guide, based on the above two elements, to assist policymakers in implementing and reviewers in assessing laws, policies and practices as they may affect older persons.

This Framework is intended to be applicable across all laws and policies, including both those that are specifically targeted to older adults and those that will affect older adults as part of the general population. As it is general in this sense, some may find it helpful to adapt it to their own particular area of law or policy.

Public consultations on the Draft Framework will run until Friday, November 18, 2011. Based on the results of those consultations, the LCO anticipates releasing a Final Framework and Report in early 2012.

For input into this consultation contact:

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### **Notes on Terminology**

**“Law”**: The term “law” as it is used throughout this document refers not only to statutes, but also to regulations, to the policies through which they are applied, and to the strategies through which statutory provisions, regulations and policies are implemented.

It includes both laws that are specifically targeted to older adults and those that will affect older adults as part of the general population.

**“Older adults”**: The LCO has used the terms “older adults” or “older persons” throughout this framework document. For the purposes of this framework, the LCO has adopted an expansive approach to the definition of “older adults” as including all those who have been identified as “old” or “older”, whether through legal and policy frameworks, social attitudes and perceptions, or self-identification.

**“Ageism”:** There are many different definitions of ageism. For the purposes of this framework, ageism is a systematic way of thinking about aging and older persons that sees aging as a negative process and older adults as separate and different from other members of society, attributing to them a set of negative characteristics. Ageism includes the tendency to structure laws and social institutions in a way that assumes that everyone is young. Ageism may be manifested in negative treatment of and discrimination against older persons, social exclusion of older adults and the tendency to ignore their existence, and paternalistic approaches that control older adults and remove autonomy under the guise of protecting their best interests.

For more information about our InfoNotes contact

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