

NURSING HOME LITIGATION: COVID-19 UPDATES

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CURRENT STATISTICS

- 623 Long Term Care Homes (“LTCH”) in Ontario
 - 75,000+ seniors living in these homes
 - 57% of the homes are “for profit”
- 22 LTCHs in Ontario have experienced devastating COVID-19 outbreaks
 - Most of these facilities had multiple prior “non-compliant” findings by the Ministry
- 82% of Covid-19 deaths in Ontario are seniors living in LTCHs
- 1,800 + seniors in nursing homes across Ontario have lost their lives to covid-19

What went wrong?

COVID-19 CLASS ACTIONS

- Multiple class actions proposed in Canada, with over 100 homes being named
- Important changes to Ontario's *Class Proceedings Act* / Bill 161
- Allegations of negligence:
 - Failing to ensure the safety of residents and staff
 - Failing to comply with directives issued by the Chief Medical Officer relating to preventing COVID-19 from spreading
 - Failing to warn residents and staff of potential exposure of COVID-19
 - Failing to supply adequate PPE to staff, and failing to adequately train staff on infection prevention
 - Failing to ensure an adequate staff to resident ratio
- Damages sought:
 - General and Special Damages, Breach of Trust, Breach of Fiduciary Duty, Breach of Contract, and Punitive and Aggravated Damages
 - Section 61 of the *Family Law Act*

COVID-19 MASS TORTS

COVID-19 – HEADING INTO A SECOND WAVE

LOOKING AHEAD & WORKING TOGETHER