

1992 BILL 218

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 218

VULNERABLE PERSONS' PROTECTION ACT

MR. DAY

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 218
Mr. Day

BILL 218

1992

VULNERABLE PERSONS' LEGISLATION ACT

(Assented to , 1992)

WHEREAS children and adults with disabilities or in institutional care have frequently been the victims of abuse; and

WHEREAS abuse of these individuals often goes unreported and when reported frequently goes unpunished; and

WHEREAS individuals reporting the abuse of vulnerable citizens have sometimes suffered the consequences of retaliation; and

WHEREAS the security of all citizens and freedom from abuse is an essential concern of this Province;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act

(a) "abuse" means to criminal offences including assault, sexual abuse, sexual assault, and neglect as defined by the Canadian Criminal Code including the psychological abuse of a person not otherwise defined in the Canadian Criminal Code,

(b) "advocate" means a person who protects and promotes the rights of vulnerable persons,

(c) "complainant protection" means legal protection from

employer retaliation which is provided to vulnerable persons and employees and others who report incidences of suspected abuse or neglect of a vulnerable person;

(d) "criminal offence" means the commission of an offence or offences as defined in the Canadian Criminal Code;

(e) "employee screening" means a screening process employers use to determine whether or not a potential employee has a previous criminal record;

(f) "health care professionals" means a person engaged in providing health care services;

(g) "law enforcement agency" means an agency to which suspected cases of abuse or neglect are to be reported where cases involve criminal activity;

(h) "outside agency" means an external agency which serves an investigative purpose in suspected cases of abuse or neglect;

(i) "residential facility" means facilities operated by or receiving funds from the Province for the purpose of providing a residence for vulnerable persons;

(j) "retaliation" means an act which may be inflicted on a person as revenge for injury, or perceived injury caused;

(k) "service provider" means a person engaged in providing professional health care, social, rehabilitative, educational, or other related services to vulnerable persons;

(l) "vulnerable person" means a person who

(i) has been found incompetent under the Dependent Adults Act,

(ii) is a resident of a hospital, residential school, nursing home, extended care facility, institution, or group home administered by, funded through, or regulated by the Province,

(iii) has a physical or mental disability and seeks protection under this Act, or

(iv) is found by the courts to be in need of protection or preventive intervention.

- Purpose** **2** The purpose of this act is to provide comprehensive protection to vulnerable persons in the Province, to prevent the abuse of vulnerable persons, and to protect both vulnerable persons and employees responsible for their care who report abuse from retaliation.
- Complainants** **3** Every individual who reports the abuse or neglect of a vulnerable person in good faith and without malicious intent is considered to be a complainant for the purposes of this Act and is entitled to complainant protection under this Act.
- Agencies** **4(1)** Every organization must comply with this Act if it
- (a) provides care and services to vulnerable persons in the Province; and
 - (b) is administered, funded, or regulated by the Province.
- 5** Every agency shall have
- (i) an affirmative responsibility to protect the individuals it serves from abuse and to maintain a reasonable level of safety for the individuals it serves;
 - (ii) written policies and procedures to prevent abuse;
 - (iii) written policies and procedures detailing methods for employees reporting abuse;
 - (iv) written policies which ensure that respect for a person's request for confidentiality regarding abuse is maintained;
 - (v) written policies and procedures ensuring that reports of abuse reach appropriate outside agencies.
- Abuse and Prevention Measures** **6(1)** Every service provider or residential facility must have written policies and procedures ensuring that police record checks are conducted on all potential employees to prevent persons with known previous convictions for assault, sexual assault, or sexual abuse from working with vulnerable persons.

(2) Every service provider or residential facility must have written policies and procedures for handling employees who abuse vulnerable persons in their care ensuring that abuse of a criminal nature is reported to a law enforcement agency.

Reporting requirements

7 Every individual is required to report any instance of known or suspected abuse or neglect if that person is

(a) employed by an organization regulated under the provisions of this Act; or

(b) is a service provider.

Complainant protection

8(1) Every complainant who reports known or suspected abuse of a vulnerable person in good faith and without malicious intent is entitled to protection under the provisions of this Act.

(2) All complainants are entitled to

(a) the right to privacy from interaction or interference from the alleged abuser, and

(b) indemnity of liability for unproven allegations except where allegations are made without reasonable cause and malicious intent.

(3) Legal costs incurred by the complainant as a result of actions arising from a complaint shall be paid

(a) by the employing agency in the case of employee complainants, or

(b) by the service agency in the case of a vulnerable person complainant.

(4) Complainants who are employed by organizations regulated under provisions of this Act shall not be subjected to dismissal, suspension, transfer, altered assignment, demotion, reduction in pay or benefits or work privileges, negative work performance evaluation, denial or withholding of benefits or services, or any other detrimental action because of the report.

(5) Complainants who are vulnerable persons or receiving services from any agency regulated under the provisions of this Act shall not be subject to interruption or discontinuance of

services to which they are normally entitled.

(6) Anyone contravening any provision of this Act other than contraventions for which criminal activity is incurred shall be subject to a fine not exceeding \$5,000 or 1 year in jail.