

1994 BILL 234

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Second Session, 23rd Legislature, 43 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 234

VULNERABLE PERSONS' PROTECTION ACT

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MR. TANNAS

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First Reading .....

Second Reading .....

Committee of the Whole .....

Third Reading .....

Royal Assent .....

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*Bill 234*  
*Mr. Tannas*

## **BILL 234**

1994

### **VULNERABLE PERSONS' PROTECTION ACT**

*(Assented to , 1994)*

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 physical, sexual and psychological abuse,
- (b) "agency" means
  - (i) a facility;
  - (ii) a nursing home;
  - (iii) an approved hospital under the Hospitals Act;
  - (iv) a home or unit as defined in the Senior Citizens Home Act;
  - (v) a social care facility, or other establishment, licensed under the Social Care Facilities Licensing Act;
  - (vi) any other establishment or class of establishment designed in the regulations as one which is administered by or receives funds from the Province of Alberta;

(vii) any place which provides care and services to vulnerable persons in the Province; or

(viii) any place which is administered, funded, or regulated by the Province.

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

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

(e) "retaliation" means an act which is inflicted on a person in response to a complaint made or concern raised;

(f) "service provider" means a person engaged in providing professional health care, social, rehabilitative, educational, or other related services to vulnerable persons, or a person employed by an agency which provides such services;

(g) "vulnerable person" means a person who

(i) has been found to be a dependent adult under the Dependent Adults Act,

(ii) receives services from an agency,

(iii) is a recipient of services, funded through, or regulated by the Province,

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

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

**Purpose**

**2** The purpose of this act is to

(a) provide protection to vulnerable persons in the Province,

(b) prevent the abuse of vulnerable persons, and

(c) protect both vulnerable persons and service providers

responsible for their care who report abuse, from retaliation.

**Complainants**

**3** Every individual who reports the abuse 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** Every agency must comply with this Act.

**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 to follow in reporting abuse, including reporting possible criminal offences directly to law enforcement agencies;

(iv) written policies to ensure that 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 agency 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 agency 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.

(3) The abuse prevention policy and procedures referred to in subsection (1) may not restrict the personal rights and freedoms of the protected individuals and may not intrude on the

choices of individuals to take reasonable risks.

Reporting  
requirements

7(1) Every individual and service provider who has or should have reasonable grounds for believing that there has been an abuse must report such abuse.

Complainant  
protection

8(1) Every complainant who reports abuse of a vulnerable person in good faith is entitled to protection under the provisions of this Act.

(2) All complainants are entitled to

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

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

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

(a) by the agency providing the service, in the case of service provider complainants, or

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

(4) Complainants who are employed by, or associated with , 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 alteration, interruption or discontinuance of services to which they are normally entitled because of a report of abuse.

9 Every person or agency which contravenes this Act is guilty of

**an offence and liable to a fine of not more than \$5000 or to imprisonment for a term of not more than 1 year or to both fine and imprisonment.**

**10 The Lieutenant Governor in Council may make regulations designating establishments as agencies which are administered by or receive funds from the Province.**

**11 This Act comes into force on Proclamation.**