**Joseph Amatruda ponders and wonders:**

* SARS 2003 prompted the development of clearly defined health & safety protocols here in Canada <https://www.canada.ca/en/public-health/services/reports-publications/learning-sars-renewal-public-health-canada/chapter-2-sars-canada-anatomy-outbreak.html>
* Currently we are in the midst of the COVID – 19 pandemic. Data indicates that vulnerable seniors living in Long Term Care Homes (LTCH’s) were disproportionately impacted by COVID – 19 versus the general population. The data also indicates that the death rate of seniors due to COVID - 19 in privately owned and operated LTCH’s was/is more than that of Publicly operated LTCH’s.
* “As of late May, 80 per cent of Canada’s known COVID-19 deaths were residents of nursing or retirement homes. That’s nearly double the average for countries in the Organization for Economic Co-operation and Development.” <https://www.therecord.com/opinion/editorials/2020/06/29/ontario-can-no-longer-neglect-its-nursing-homes.html>
* Presently the Ford Government is seeking to pass Bill 175 (<https://www.cbc.ca/news/canada/kitchener-waterloo/bill-175-province-ontario-home-care-1.5625719>) and Bill 161 (<https://www.msn.com/en-ca/news/canada/ontarios-bill-161-will-make-it-harder-to-sue-negligent-nursing-homes-lawyers-warn/ar-BB15CTD4>)

**With regards to the above, I have the following questions.**

Were the health & safety protocols defined in 2003 followed during the COVID – 19 pandemic?

If not, then is there a potential case of negligence resulting in death, harm and/or pain and suffering experienced by seniors in LTCH’s as a result of mismanagement of the COVID – 19 pandemic?

Given negligence as a result of mismanagement of the COVID – 19 pandemic in LTCH’s’ is that a criminal concern, a civil concern or both or not at all?

Given negligence, ‘how far might/does culpability extend as a result of mismanagement of the COVID – 19 pandemic in LTCH’s’?

What legal recourse for justice do the victims of negligence have given Bill 161 passes?

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Given passage of Bill 175 and 161 might there be a case for a Charter Challenge? Being that said laws potentially impinge, limit and/or compromise an individual’s Charter rights of life, liberty or security of the person to seek justice?

### Protection against unreasonable laws

The Charter protects everyone against unreasonable laws that could lead to imprisonment or harm their physical safety. The law may still comply with the Charter if it is consistent with a basic set of values. For example, there must be a rational link between the law’s purpose and its effect on people’s liberty. Also, laws should not have a severe impact on people’s rights to life, liberty or security of the person.

<https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/rfcp-cdlp.html#s4>

Notwithstanding?

*May we find a path forward that is right, caring and just for…*

Those who cared for us …

For ‘us’ and …

For those who follow ‘us’

Joseph Amatruda