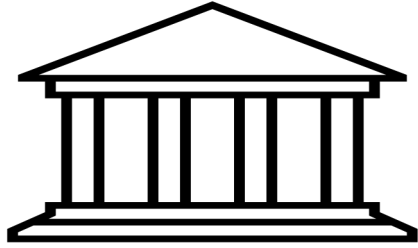


TOWARD A MORE JUST, LESS AGEIST SOCIETY: AN ELDER JUSTICE AGENDA

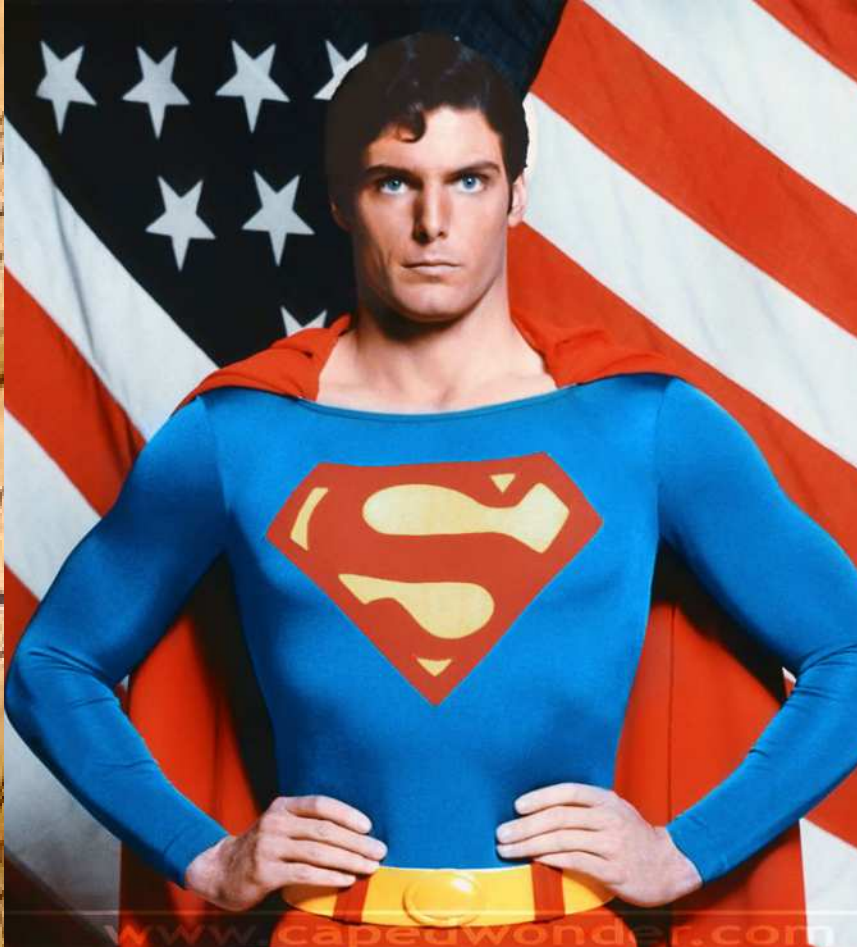
SEPT 15, 2020

Legal Assistance for Seniors
Lisa Nerenberg MSW, MPH
California Elder Justice Coalition
ElderJusticeCal.org
[@elderjusticecal](https://twitter.com/elderjusticecal)



Elder Justice Act of 2010

Living free from elder
abuse, neglect, and
exploitation is a right



DEFINING JUSTICE

The Right to life

“...being able to live a life of normal length; not dying prematurely, or before one’s life is so reduced as to be not worth living”

In free societies, people have to be adequately nourished, sheltered and protected from assault to function”

MARTHA NUSSBAUM



The Right to Life: For Whom?

The richest American men live 15 years longer than poorest. For women, the difference is 10 yrs.

Nearly 50% of low-income adults have disabilities, compared to < 11% for adults overall.

African- Americans are twice as likely to have dementias. For Hispanics, it's 1½ times as likely.

Gross National Happiness Bhutan





Liberty

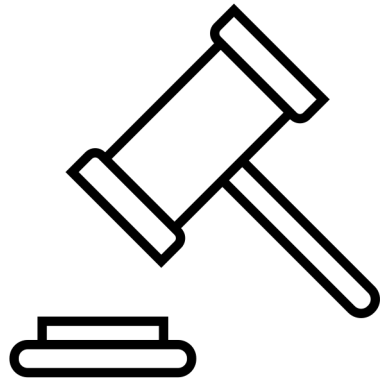
“What the people are entitled to *against* every government on earth...and what no government should refuse.”

Thomas Jefferson

When government restricts freedom it must have *compelling reasons* for doing so (the greater good of society)

“Due Process” when rights are denied or restricted

JUSTICE SYSTEMS



Justice in Aging Policy

Social
Security

Medicare

Distributive
Justice

Intergenerational
Justice

Racial Justice

Elder
Justice Act

Older
Americans
Act



OLMSTEAD
V. LC
1999



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Universal Declaration of Human Rights



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ELDER JUSTICE ON THE GLOBAL STAGE





Human rights

Public Health

Social
Development

UN Approaches to Older People

Convention: Agreement in International Law

Elimination of All
Forms of Racial
Discrimination

Elimination of All
Forms of
Discrimination
against Women

Torture and Other
Cruel, Inhuman, or
Degrading Treatment
or Punishment

The Rights of the
Child

The Rights of All
Migrant Workers
and Members of
Their Families

The Rights of
Persons with
Disabilities

The Protection of
all Persons from
Enforced
Disappearance

THE GLOBAL GOALS

For Sustainable Development



7 Forms of Ageism (Butler, International Longevity Center)

Combating ageism is a matter of human rights and civil liberty. Ageism is the discrimination, abuse, stereotyping, contempt for, and avoidance of older people. Each year one million to three million Americans sixty-five and older are injured, exploited, or mistreated by someone on whom they depend for protection or care. Nine out of ten nursing homes are inadequately staffed. Cancer patients over sixty-five years old receive less aggressive treatment than younger patients. Sixty percent of all identified victims of Hurricane Katrina were sixty-one years old or older. The United States Equal Employment Opportunity Commission has found that ageism is a major form of discrimination in the workplace. While most Americans are positive about aging, only twenty-five, less than one percent of primetime television characters are in their sixties or older. Older people are the victims of financial abuse each year, losing billions of dollars. Exposure to negative ageing stereotypes is proven to adversely affect the physical and mental health of older persons. Only one out of fourteen incidents of elder abuse come to the attention of authorities. Although older persons use prescription drugs more than any other age group, forty percent of clinical trials exclude those seventy-five years old and older from participating. Older people who were abandoned during 9/11 waited up to seven days for ad hoc medical teams to rescue them. Ten percent of age discrimination claims filed with the EEOC are related to hiring. Seventy-nine percent of states do not maintain an elder abuse

Ageism in America

1. Elder Abuse
2. Discrimination in Health Care
3. Discrimination in Nursing Homes
4. Discrimination in Emergency Services
5. Discrimination in the Workplace
6. Discrimination in the Media
7. Discrimination in Marketing



AGEISM

Ageism: “Ism” or Isn’t It?

"People just don't have the bandwidth" for another "ism."

Ashton Applewhite

Americans are "more likely to rely on little-picture explanations that reduce the problem [discrimination] to the everyday interactions of a few outlier individuals with ill-will in their hearts"

Sweetland, Volmert, & O'Neil, 2017



Intersectionality: Combined and compounded affects of injustices:

- “Double jeopardy”
- “Triple jeopardy”

Cumulative Disadvantage:

Impact of Discrimination over the lifespan

PUBLIC HEALTH



Public Health

Epidemiology

Identify
Risk Factors

Eliminate
or Reduce
Risk Factors

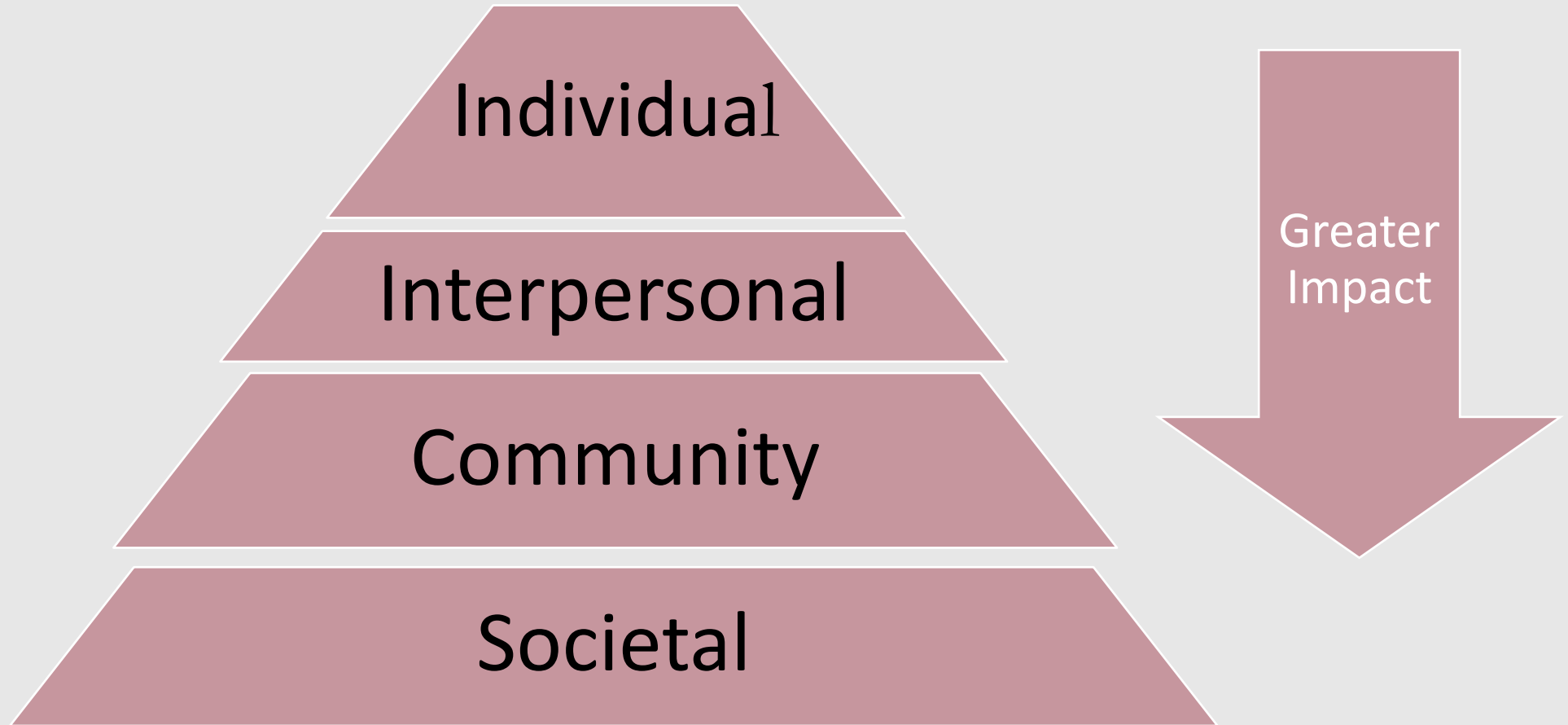
Prevention

From Preventing Diseases to Preventing Injustice



OF ALL THE
FORMS OF
INEQUALITY,
INJUSTICE IN
HEALTH IS THE
MOST SHOCKING
AND INHUMAN.

Ecological Model of Public Health



LEVELS OF PREVENTION

Primary	Secondary	Tertiary
Preventing diseases from developing	Early detection and treatment	Reducing the harm and preventing recurrences

Greater
impact

Lesser
impact

The Ecological Model of Elder Justice

Individual	Protecting Individual Rights
Interpersonal	Preventing Abuses of Power
Community	Equity in Resources/Services
Societal	Political Action/Culture Change

A FRAMEWORK FOR ELDER JUSTICE

	PRIMARY	SECONDARY	TERTIARY
Protecting Individual Rights			
Preventing Abuses of Power			
Ensuring Equity			
Structural Change			

Individual Rights

Civil Rights

Consumers

Victims

Prison Inmates





Consumer Rights

The right to multiple goods & services to choose from, that are relatively safe

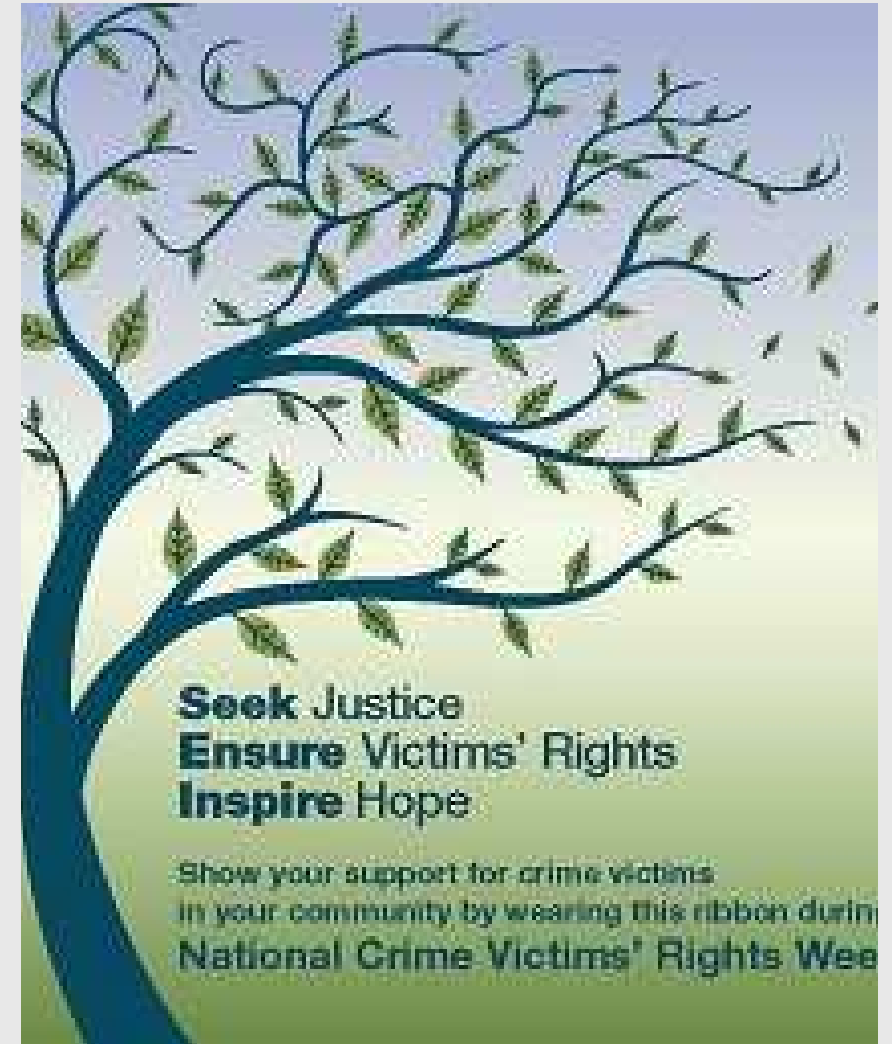
Information to help consumers weigh alternatives and identify false claims

Government regulation and enforcement

Recourse when protections aren't enforced

Victim Rights

- Safety from offenders, including information about their release dates
- Restitution
- Compensation for crime related expenses
- Right to tell courts how they've been affected



Compassionate Release

Process for inmates to ask to be released early for “extraordinary or compelling reasons (e.g. medical conditions)



INDIVIDUAL RIGHTS

Primary	Secondary	Tertiary
<ul style="list-style-type: none">• Education about rights• Advance directives• Daily money management• Supported decision-making	<ul style="list-style-type: none">• Screening for cognitive decline/decision-making capacity• Registries of advance directives• Identifying discrimination	<ul style="list-style-type: none">• Discrimination lawsuits• Revoke advanced directives• Conservatorship defense

Preventing Abuses of Power

Elder Abuse

Domestic Violence

Undue Influence



ELDER JUSTICE AND ABUSE OF POWER

Primary	Secondary	Tertiary
<ul style="list-style-type: none">• Education: abuse, undue influence• Reduce isolation• Risk assessment• Caregiver screening, contracting	<ul style="list-style-type: none">• Screening for abuse, neglect, undue influence• Conflict resolution• Advocates (victim, consumer)	<ul style="list-style-type: none">• Criminal justice responses• Protective orders• Lawsuits• Mediation• Restorative justice

Community Safety and Equity



Civil
Engagement

Social
Inclusion

Equity

Fair
Access

Reducing
Disparities

ELDER JUSTICE AT THE COMMUNITY LEVEL

Primary	Secondary	Tertiary
<ul style="list-style-type: none">• “Age friendly communities”• Community health workers	<ul style="list-style-type: none">• Resource mapping• Community needs assessments• Town halls	<ul style="list-style-type: none">• Impact law, class actions• Coalition building• Community partnerships• Elder justice councils

Societal Approaches to Elder Justice



**Public
Policy**

Laws

Regulation

**Culture
Change**

PUBLIC POLICY AND PUBLIC ATTITUDES

Primary	Secondary	Tertiary
<ul style="list-style-type: none">• Ensure laws are constitutional• Ensure equitable policy• “Mainstreaming”• Awareness campaigns (ageism, elder abuse)• “Across the lifespan” funding	<ul style="list-style-type: none">• Policy forums, town halls• Identify policy that:<ul style="list-style-type: none">• Is ageist• Is overly restrictive• Disadvantages the disadvantaged	<ul style="list-style-type: none">• Policy reform• Hold officials accountable for enforcing laws, regulations• Reject divisive narratives

GENERATIONS AT
WAR

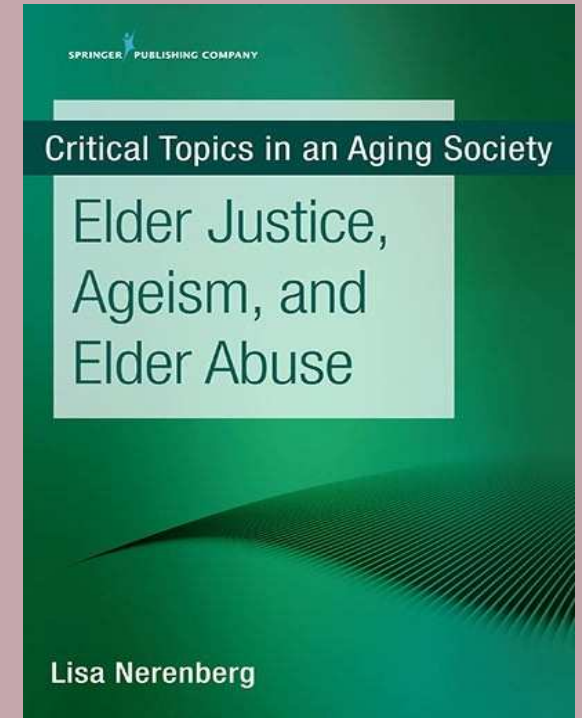


	PRIMARY	SECONDARY	TERTIARY
Individual Rights	<ul style="list-style-type: none"> • Education about rights • Advance directives • Daily money management • Supported decision-making 	<ul style="list-style-type: none"> • Screening for cognitive decline • Registries of advance directives • Identifying discrimination 	<ul style="list-style-type: none"> • Discrimination lawsuits • Revoke advanced directives • Conservatorship defense
Interpersonal	<ul style="list-style-type: none"> • Education: abuse, undue influence • Reduce isolation • Risk assessment • Caregiver screening, contracting 	<ul style="list-style-type: none"> • Screening for abuse, neglect, undue influence • Conflict resolution • Advocates (victim, consumer) 	<ul style="list-style-type: none"> • Criminal justice responses • Protective orders • Lawsuits • Mediation • Restorative justice
Community	<ul style="list-style-type: none"> • “Age friendly communities” • Community health workers 	<ul style="list-style-type: none"> • Resource mapping • Community needs assessments • Town halls 	<ul style="list-style-type: none"> • Impact law, class actions • Community action/advocacy
Societal	<ul style="list-style-type: none"> • “Mainstreaming” • Awareness campaigns (ageism, elder abuse) • “Across the lifespan” funding 	<ul style="list-style-type: none"> • Policy forums to identify laws that: <ul style="list-style-type: none"> • Are ageist • Are overly restrictive • Disadvantage disadvantaged 	<ul style="list-style-type: none"> • Policy reform • Hold officials accountable for enforcing laws, regulations • Reject divisive narratives



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