



VISTA CENTRE

BRAIN INJURY SERVICES

KNOW YOUR RIGHTS BOOKLET

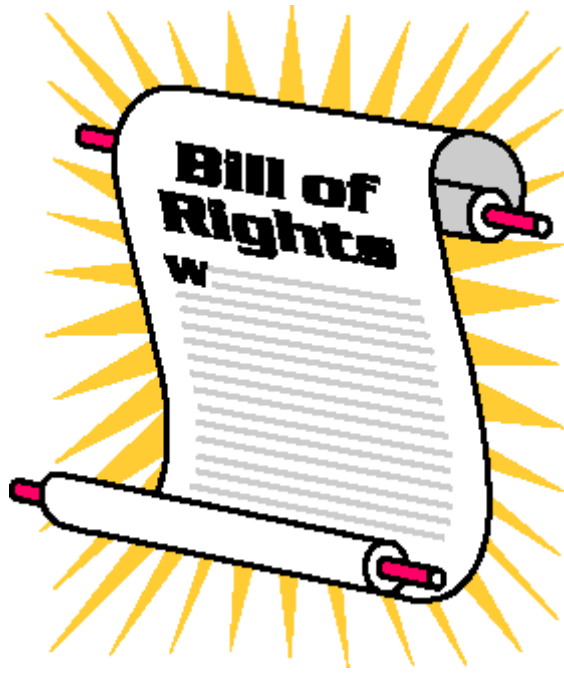


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Introduction:

In 1994 a new law was passed in Ontario called the Long-Term Care Act. This law applies to many services funded by the Ministry of Health, including:

- Personal supports such as attendant services, outreach or supportive housing,
- Professional services such as nursing, therapy or social work,
- Community services such as Meals on Wheels, and
- Homemaking services such as cleaning or meal preparation.

This law contains something called a Bill of Rights. The Bill of Rights is a set of rules about how people who receive services should be treated – both by the people providing the services and also by the people managing the services.

If you are someone who receives any of these services, you may have had the experience of feeling small and powerless. Sometimes it is easy to forget that our whole system of health and social services is in place for one main purpose – to provide the supports that people need. You are the consumer, the person for whom these services are designed. In this role, you are like the teacher in a classroom. Just like a good teacher is listened to and respected by the pupils in her class, you can expect to be listened to and treated with respect by the people who provide your services. That is one of your rights.

This book describes nine important rights that you should know about. If you receive services under the Ontario Long-Term Care Act, these rights belong to you, by law.

We hope that you will use this book to:

- Understand your rights and responsibilities,
- Be sure that your rights are respected, and
- Know what to do if you think that your rights are not being respected.

A Glossary is provided at the end of the book to explain any words you may not understand.

SECTION 1 - Your Rights

1. Courtesy, Respect and Freedom from Abuse

You have the right to be treated in a courteous and respectful manner and to be free from mental, physical, and financial abuse.

There are two parts to this right.

First, this right requires that people who provide your services should show that they respect you as a person. There are many ways of doing this, including paying careful attention to you when you have something to say and taking the time to listen to your ideas and opinions.

Second, this right states very clearly that **you must never be abused by the people who provide your services.**

It is important to understand that there are many different kinds of abuse, including mental, physical, financial and sexual. They are all against the law. On the following two pages, you will find several examples of abuse. As you read, you may think of other examples.

Mental Abuse

You have the right to have services provided without feeling criticized, threatened, uncomfortable or fearful.

Physical Abuse

You have the right to be handled or touched in a way that you feel comfortable and not afraid and in a way that you do not experience pain or injury.

Financial Abuse

You have the right to choose how you will manage your money and what you do with your money. This includes deciding who you will ask for advice or help with money.

Sexual Abuse

This is a very serious kind of abuse. It is your right to choose whether or not you want to have a sexual relationship with someone. It is your right to choose your own way of being sexual and your own time.

2. Privacy and Freedom to Make Your Own Decisions

You have the right to be dealt with in a manner that respects your dignity and privacy and promotes your autonomy.

There are two parts to this right.

First, this right requires that people who provide your services should treat your personal life as private. There are many ways of doing this, such as leaving you alone when you are talking with friends and being careful not to say or do things that will embarrass you.

Second, this right requires that people who provide your services should respect your autonomy. Autonomy means making your own decisions, and includes being able to choose someone you trust to help you make important decisions.

3. Being an Individual

You have the right to be dealt with in a manner that recognizes your individuality and that responds to your needs and preferences. This includes preferences based on ethnic, spiritual, linguistic, familial and cultural factors.

This right begins by recognizing that you are an individual with your own particular likes and dislikes and your own way of doing things. This right requires that the people who provide your services allow you to choose what kind of service you want and need.

This right also recognizes that some of your choices will be based upon such things as what language you speak, what religion you practice, what ethnic or cultural values you hold or what kind of family you have. This right requires that the people who provide your services respect all of these aspects of who you are.

4. Information and Answers

You have the right to have information about community services provided to you and to be told who will be providing your services.

This right is about making sure that you know what is going on in your life. This right requires that the people who provide your services must explain clearly to you what those services are and who will provide them. This information must be provided in a way that you can understand (for example, in audiotape, large print, computer disk, Braille, a booklet with pictures or a person to assist you in reading the words).

5. Participation

You have the right to participate in the assessment of your requirements, development of your service plan, review of your requirements, evaluation and revision of your service plan.

This right recognizes that you have an important role to play in deciding what services you will receive, in making changes to your services and in judging whether your services are working well or not. This right requires that the people who provide your services listen carefully to what you want and treat you as an equal in their decision making processes. They should also make it easy and comfortable for you to give feedback about your services.

6. Control and Consent

You have the right to give or refuse consent to the provision of any community service.

This right recognizes that you must be in control of your personal and community services. This right requires that people who provide your services must have your agreement before those services are delivered. You make the decision about whether or not to receive certain services. If you make a decision and then later change your mind, that is your right.

7. Freedom to Speak Out

You have the right to raise concerns or recommend changes in connection with the community services provided to you and in connection with policies and decisions that affect your interests, to your service provider, government officials or any other person, without fear of interference, coercion, discrimination or reprisal.

This right recognizes that no matter how well things may start out for you with your services, problems can come up. When problems do come up, you have the right to speak out about them. This right state that the people involved in providing your services should never do anything to make you feel afraid to speak out. Also, they should never punish you in any way for talking about your concerns.

8. Knowing the Rules

You have the right to be informed of the laws, rules and policies affecting the operation of the service provider and the right to be informed in writing of the procedures for initiating complaints about the service provider.

This right recognizes that in order to protect your rights, you must have information about the policies and procedures of your service provider.

This right requires that the people who provide your services tell you who makes the decisions and rules, and also that they explain to you how to give your input about these decisions and rules. This includes making it very clear to you how you can make an official complaint about any of their decisions or rules.

9. Confidentiality

You have the right to have your records kept confidential in accordance with the law.

This right recognizes that information about you and your life belongs only to you. Information about you and your life can only be shared with other people if you give your consent.

This right requires that the people who provide your services must keep information about you (such as your address, telephone number and personal details) in a safe place where it will only be seen by people who need to know.

You are in control of this information, and with limited exceptions, have the right to see what is written in your file if you want. You are in control of how much or how little of this information is shared with other people.

Appendix A

THE BILL OF RIGHTS

Here are your rights as they appear in the Ontario Long-Term Care Act:

1. You have the right to be treated in a courteous and respectful manner and to be free from mental, physical, and financial abuse.
2. You have the right to be dealt with in a manner that respects your dignity and privacy and promotes your autonomy.
3. You have the right to be dealt with in a manner that recognizes your individuality and that responds to your needs and preferences. This includes preferences based on ethnic, spiritual, linguistic, familial and cultural factors.
4. You have the right to have information about community services provided to you and to be told who will be providing the services.
5. You have the right to participate in the assessment of your requirements, development of your service plan, review of your requirements, evaluation and revision of your service plan.
6. You have the right to give or refuse consent to the provision of any community service.
7. You have the right to raise concerns or recommend changes in connection with the community services provided to you and in connection with policies and decisions that affect your interests, to your service provider, government officials or any other person, without fear of interference, coercion, discrimination or reprisal.
8. You have the right to be informed of the laws, rules and policies affecting the operation of the service provider and the right to be informed in writing of the procedures for initiating complaints about the service provider.
9. You have the right to have your records kept confidential in accordance with the law.

APPENDIX B

GLOSSARY

Abuse - Bad or improper treatment. Anything that causes harm to a person.

Autonomy - Making your own decisions, including the decision to choose someone you trust to help you.

Coercion - Using threats or force to make you do something you don't want to do, or to prevent you from doing something you do want to do.

Consent - Giving your permission or agreement, after you have all of the information that you need to do so.

Consumer - A person who buys, receives or uses products or services produced by others.

Cultural - Ways of being, thinking and behaving that you learn from others around you.

Dignity - Being worthy. Deserving proper treatment.

Discrimination - Unequal treatment based on your disability, skin colour, religion, sex, age, ethnic origin, etc.

Ethnic - A word used to describe your race or the country your family came from.

Evaluation - A report about how well a job or task is being done.

Familial - A word used to refer to the family you were born or adopted into.

Individuality - The special combination of characteristics that let you and others know who you are.

Judgmental - Expressing negative opinions, or conclusions about your life choices, friendships or activities.

Linguistic - A word used to refer to your native or preferred language. Also includes communication devices or sign language.

Preferences - Things or conditions that you chose whenever you have a choice, for example, a favourite colour, activity or style of clothing.

Policies - The guidelines and rules made by the people who manage your services.

Promoted - Helped, put forward, encouraged.

Reprisal - Revenge or punishment.

Spiritual - A word used to refer to sacred or religious matters and beliefs.