



STATEMENT

Rights of Participants

Policy # BD 16

Community Living Kingston
1412 Princess Street
Kingston, Ontario K7M 3E5

SECTION Board of Directors

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External References

1. CARF Employment and Community Services Standards Manual.

Cross References

1. Operations Policy 3.08—Complaint Resolution

Your Rights as a Community Living Kingston Participant

First of all, you have the same rights as all other citizens of Canada

Canadian Charter of Rights and Freedoms:

Section 1:

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Section 7:

Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 12:

Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Section 15:

- (1) *Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*
- (2) *Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.*

¹ Replaces an earlier version of "Rights of Participants" dated September 27th, 2010, which replaced an earlier version dated September 25th, 2006.

To be a citizen of Canada, Ontario, and Kingston means you have responsibilities to the community as well as rights and privileges. Your rights are no different from those of everyone you know.

In practical terms, your rights and responsibilities include the right, and the responsibility to respect other people's right to:

1. Free speech and other expression.
2. Personal privacy.
3. Opportunity to vote in elections.
4. Choose to practice any religion or no religion.
5. Live according to your own culture and traditions.
6. Receive and send mail.
7. Have and/or refuse medical treatment.
8. Have and keep personal possessions.
9. Be paid fairly for your work when employed.
10. Go where you want / have freedom of movement.
11. Belong to groups/organizations of your choice.
12. To be protected from harm by police and other public authorities.
13. To be treated fairly by courts of law and government services.
14. To have legal representation if you are charged with breaking the law.

As a Participant in programs and services, Community Living Kingston further guarantees:

15. You have the right to be given a reasonable amount of time to make a decision, and should be given all of the information needed to make that decision.
16. You can choose social and leisure activities within your means.
17. You can see your own records and decide who else can see them.
18. You have the right to give your input into how your services will be delivered.
19. You have the right to express your opinion on who provides your services to you.
20. You can refuse services you do not want.
21. You have the right to refuse to participate in research projects.
22. You have the right never to be subjected to abuse, financial or other exploitation, retaliation, neglect, or humiliating or degrading treatment by Community Living Kingston employees or volunteers.
23. You can have access to a telephone with privacy.
24. You can contact and see your family members and friends.
25. You can choose your own friends and personal relationships.
26. You have the right to choose who enters your bedroom and other private living space.

27. You are entitled to be consulted and to have your preferences respected with regard to who are your housemates.
28. You can access community services that are available to everyone.
29. You have the right to refuse to work.
30. You have the right to receive and spend money that you earn or that is given to you.
31. You have the right to the safe use of your personal property.
32. You have the right to access legal, self-help, and advocacy services as you wish.
33. You have the right to never be confined or mechanically restrained, and staff members are only allowed to restrain any person when necessary to prevent injury or harm to others.
34. You are provided frequent and regular opportunities to voice opinions, raise concerns, or to lodge a complaint to persons in authority without fear of retaliation in any form or barriers to service.
35. You are provided regular opportunities to appeal agency decisions to a Rights Appeal Committee of the Board that is independent of the staff.
36. You are provided frequent and regular opportunities to voice opinions, raise concerns, or to lodge a complaint to persons in authority without fear of retaliation in any form or barriers to service.
37. You are provided regular opportunities to appeal agency decisions to a Rights Appeal Committee of the Board that is independent of the staff.

Rights Appeal Committee

Any person served by Community Living Kingston is entitled to the hearing of a complaint alleging a Rights violation on the part of Community Living Kingston.

Complaints are addressed using the procedure outlined in Operations Policy 3.08, *Complaint Resolution*. Where the President of the Board has received a complaint and has determined that it may constitute a Rights violation, they shall convene a committee made up of three directors. This Rights Appeal Committee shall conduct a hearing of the complaint within ten days of receiving it.

The Rights Appeal Committee shall hear the complaint, investigate as may be appropriate or required, and deliver a decision within five (5) business days after the hearing. The decision, as well as any steps taken to resolve the complaint, shall also be conveyed to the person served in writing.

Consistent with the provisions of the organization's *Complaints Resolution* policy, the person served is entitled to the support of one or two advocates of his or her choice throughout this procedure. Such advocate(s) shall be the one or two individuals that the person served says is his or her advocate(s), and said

advocate(s) shall be permitted access to the process if consent is given by the person served.

The Decision of the Rights Appeal Committee shall be final, though persons served are welcome to seek external review as they see fit.

Knowing your Rights and Responsibilities

Personal Planning² includes an annual Individual Support Agreement (ISA) that specifies what outcomes are to be generated and what each party will contribute. An ISA is completed when a person first gets involved with Community Living Kingston and at least once each year from then on. Each time the ISA is renewed the staff member involved is responsible to make sure that you know your rights and responsibilities. The following should happen:

- You will receive a copy of *Your Rights as a Community Living Kingston Participant* (Board Policy # 16).
- Your family member or advocate who participates in the ISA process will be given a copy of *Your Rights as a Community Living Kingston Participant* so that they will be able to advise you.
- You will receive a plain-language version of Community Living Kingston's Complaint Procedure.
- A staff member will talk with you about your rights and responsibilities to make sure that you know what they are.

If you need another copy of *Your Rights as a Community Living Kingston Participant* or the organization's Complaint Procedure you can ask a staff member for one at any time.

² See Operations Policy # 2.01 "Individualized Planning".