

HOME CARE

Home Care Bill of Rights

In Ontario, free home care services are provided through Community Care Access Centres (CCACs) and other programs. These services are paid for by the Ontario government.

The home care Bill of Rights says how you must be treated if you get home care services, such as nursing, social work, home-making, or help with bathing or other daily activities.

This booklet explains the home care Bill of Rights.

The home care Bill of Rights is set out in Part III of an Ontario law called the *Long-Term Care Act, 1994*. This Bill of Rights applies to services provided through Community Care Access Centres (CCACs). It may also apply to other programs, such as supportive housing and attendant outreach.

The home care Bill of Rights

The home care Bill of Rights says you have the right to:

1. be treated with respect and to be free from abuse,
2. have your privacy and dignity honoured,
3. have your needs and preferences respected,
4. receive information about the services you get,
5. take part in decisions about your services,
6. consent to or refuse services,
7. comment or criticize without anyone taking action against you,
8. receive information about home care laws and policies and how to make a complaint, and
9. have your home care records kept confidential.

How do I know if the Bill of Rights applies to me?

The Bill of Rights applies to you if you are getting or applying for home care services through a CCAC.

If you are dealing with another program paid for by the Ministry of Health and Long-Term Care, then the Bill of Rights may or may not apply to you. If you are told that the Bill of Rights does not apply to you, try to get legal advice from a lawyer or a community legal clinic. See pages 18 and 19 to find out how to get legal help.

Home care services provided through CCACs and other programs include:

- Nursing, physiotherapy, occupational therapy, social work, speech therapy, diet advice, and other professional services.
- Help with activities of daily living, such as taking a bath, eating, getting dressed, and other personal support services.
- House-cleaning, laundry, banking, shopping, preparing meals, and other home-making services.

The rest of this booklet tells you more about each right in the Bill of Rights and what you can do if these rights are not respected.

1 no abuse

If you receive home care services, you have the right to be dealt with in a courteous and respectful manner and to be free from mental, physical, and financial abuse.

This means...

You have the right to be treated politely and with respect. Staff must listen to you and treat you with consideration.

Staff must not abuse you mentally, physically, or financially.

Mental abuse is when someone humiliates, insults, frightens, threatens, or ignores you, or treats you like a child.

Physical abuse is when someone sexually assaults you, handles you roughly, or slaps, pushes, or beats you.

Financial abuse is when someone takes your money or other property without your permission.

2 privacy and choices

If you receive home care services, you have the right to be dealt with in a manner that respects your dignity and privacy and that promotes your autonomy.

This means...

Your privacy must be respected. The people who give you care should not enter your home without knocking on the door or asking permission to enter. They should not look through your things or open your mail without your permission.

You have the right to say how things are done. You must be allowed to make decisions yourself, as long as you are mentally capable of making them. This applies to all decisions, including where your belongings are placed, what you eat, and how you are cared for. You must be given the information you need to make these decisions.

3 preferences

If you receive home care services, you have the right to be dealt with in a manner that recognizes your individuality and that is sensitive to and responds to your needs and preferences, including preferences based on ethnic, spiritual, linguistic, familial, and cultural factors.

This means...

Your individual needs and preferences must be respected. For example, you get to choose how you dress, what you eat, and how you are cared for.

Because of your religion or culture, you might prefer to receive care in a certain way or at certain times. For example, if you are observing a religious holiday, you may want a caregiver to visit on another day. Your caregivers must follow your preferences whenever possible.

4

service information

If you receive home care services, you have the right to information about the services provided to you, and to be told who will be providing the services.

This means...

You have the right to know which home care services you will be getting and how many hours you will get of each service.

You also have the right to know who your case manager is and who is providing home care services to you. Each person who provides these services to you must tell you their name and the agency they work for. You should be given the information you need to contact them using the method you like. For example, you may prefer to use their phone number, mailing address, e-mail address, or TTY number.

5 participation

When you are applying for home care services, you have the right to participate in the assessment of your requirements.

And, if you are eligible for home care services, you have the right to participate in the development of your plan of service, the review of your requirements, and the evaluation and revision of your plan of service.

This means...

You have the right to be involved at every stage when decisions are made about which home care services you should get.

All details of any assessments of you and of your plan of service must be explained to you. These explanations must be made in a way that you understand and in a language that you understand, so that you can make informed decisions about your care.

6 consent

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

This means...

You have the right to make your own decisions about any home care services that are recommended to you. You have the right to accept or refuse any service offered to you.

If you are not happy with a particular agency or care worker, you have the right to refuse services from them.

You must be told what will happen to you if you decide to accept a service and what will happen to you if you do not. This will help you make an informed decision.

You may have someone help you make a decision, if you want their help. If you are told that you are not able to make your own decisions, you should get legal advice. See pages 18 and 19 to find out how to get legal help.

7 no reprisals

If you receive home care services and you have concerns about the services provided to you or about the policies and decisions that affect your interests, you have a right to raise your concerns or recommend changes to the care-providers, government officials, or any other person, without fear of interference, coercion, discrimination, or reprisal.

This means...

You have the right to speak freely. You may ask questions, suggest changes, and make complaints.

No one has the right to take any action against you because you complain about home care. No one is allowed to punish you, refuse to give you home care services, or take away these services because you have complained.

8 legal information

If you receive home care services, you have the right to be informed of the laws, rules, and policies affecting the operation of the care-provider and to be informed in writing of the procedures for initiating complaints about the care-provider.

This means...

You have the right to be told the details of any laws, rules, or policies that affect the decision a care-provider is making.

All agencies that provide home care services must post the Bill of Rights in their place of business. This tells their staff that they must respect your rights when you receive home care services from them.

Each agency providing home care services to you must tell you how to make a complaint. They must provide this information in writing.

For more information about making a complaint, see pages 12 to 14.

9 confidentiality

If you receive home care services, you have the right to have your records kept confidential in accordance with the law.

This means...

Information about you that a CCAC or home care agency has, must be kept private, no matter who prepared the information. This includes information about your health and your living environment, as well as any information collected for your application for home care services, or to provide these services to you.

There are some exceptions. For example, you can agree to let the CCAC or agency give information about you to someone else, such as a family member, hospital, nursing home, or doctor. Also, the CCAC or agency can follow its own policies about how it uses or shares information about you, as long as it makes these policies public. But you might have to ask to see these policies.

You also have the right to see the CCAC's or agency's records of your personal health information. If these records are not accurate or complete, you can ask for corrections.

What can I do if my rights under the Bill of Rights are violated?

You can do one or more of the following:

1. Make a complaint to the CCAC or agency that provides home care services to you.
2. Sue the CCAC or agency for breach of contract.
3. Consider other options.

The next 3 sections tell you more about these options. It is important to find out if any of your options have time limits. You also need to find out whether choosing one option affects what else you can do.

1 Make a complaint

The law says you have the right to make a complaint about any violation of the Bill of Rights. Your complaint might be about a behaviour that violates your rights, or it might be about a specific decision.

You may also want to make a complaint to fix home care problems that are not covered by the Bill of Rights. Making a complaint lets the CCAC or agency know that there is a problem with a specific practice or with a worker.

You should make your complaint as soon as you can, but there is no time limit.

If you want to make a complaint, you should follow these steps:

Step 1:

Contact your CCAC case manager or the agency that provides home care services to you. Ask for a written explanation of the complaint process. The law says you have the right to a written explanation.

If you are complaining about a decision, ask for written reasons for that decision.

Step 2:

Carefully follow the complaint process until you get a final decision from the CCAC or agency. Usually, you cannot appeal this final decision if your complaint is about something that is covered only by the Bill of Rights.

But you **do** have the right to appeal the final decision if your complaint is that you were denied home care services or that your services were changed or cut back.

And if your complaint is about the CCAC's or agency's records about you, your next step can be to take your complaint to the Information and Privacy Commissioner. For more information, see page 17.

Even when the decision cannot be appealed, you might be able to have a court review it. Consider getting legal advice about this if you feel that the decision was very unreasonable or that the decision-maker did not follow a fair process. See pages 18 and 19 to find out how to get legal help.

More detailed information about making a complaint or an appeal can be found in the CLEO booklet called "**Home care complaints and appeals**". See the back cover of this booklet to find out how to order it.

2 Sue for breach of contract

According to the law, the CCAC or agency that provides home care services to you has agreed to follow the Bill of Rights, even if they have never made a written or spoken agreement with you.

So, if the CCAC or agency violates the Bill of Rights, they have broken the agreement. The law calls this a "breach of contract".

You can sue the CCAC or agency in court for breach of contract. If the court agrees with you, the court may decide that the CCAC or agency must pay you money to compensate you.

3 Consider other options

Depending on the kind of problem you have, you may be able to take your complaint to other places.

Police

If a crime was committed against you, you may want to report it to the police.

Professional colleges

You may be unhappy about home care services from a social worker or a health care practitioner, such as a nurse, occupational therapist, or physiotherapist. If so, you can make a complaint to the “college” or organization that regulates that person’s profession.

The organization that regulates social workers is the Ontario College of Social Workers and Social Service Workers. For more information, go to their web site at www.ocswssw.org or phone:

- Toll-free..... **1-877-828-9380**
- In Toronto **416-972-9882**

Contact information for the colleges that regulate health care professions in Ontario can be found at www.ontcolleges.notlong.com which links to the web site of the Ministry of Health and Long-Term Care, or by calling the Ministry:

Toll-free..... **1-866-532-3161**
Toll-free TTY **1-800-387-5559**

Human Rights

If you have experienced discrimination, you can take your complaint to the Human Rights Tribunal of Ontario (HRTO). This is called making an application to the HRTO. Examples of discrimination include being treated unfairly because of your religious beliefs, race, age, disability, sexual orientation, or ethnic background.

For more information about making an application to the HRTO, visit their web site at www.hrto.ca or call them:

Toll-free..... **1-866-598-0322**
Toll-free TTY **1-866-607-1240**
In Toronto **416-326-1312**
TTY in Toronto **416-326-2027**

If you would like more information about the law against discrimination, or if you need help or advice about making an application to the HRTO, visit the web site of the Human Rights Legal Support Centre at www.hrlsc.on.ca or call them:

Toll-free..... **1-866-625-5179**
Toll-free TTY **1-866-612-8627**
In Toronto **416-314-6266**
TTY in Toronto **416-314-6651**

Information and Privacy Commissioner

You can make a complaint to the Information and Privacy Commissioner of Ontario (IPC) if you are unhappy with a CCAC or agency decision about:

- keeping your records private,
- giving you access to or copies of your records, or
- correcting wrong or missing information in your records.

For more information, check the IPC's web site at www.ipc.on.ca or phone:

Toll-free..... **1-800-387-0073**
In Toronto **416-326-3333**
TTY..... **416-325-7539**

Do I need a lawyer to help me if my rights are violated?

You do not have to get a lawyer to make a complaint, but you have the right to hire a lawyer if you want one. A lawyer can give you information and advice and can also represent you.

If you are thinking of suing in court, you should try to get legal advice.

How can I get legal help?

For legal advice, contact a community legal clinic or a lawyer. Community legal clinics give free legal advice, but not all of them can help with home care issues. Check with the community legal clinic in your area to see if they can help you.

Here are a few ways to find the nearest community legal clinic:

- Look in the CLEO directory called “**Getting legal help: Community Legal Clinics in Ontario**”. See the back cover of this booklet to find out how to order it. It is also available on CLEO’s web site at <www.cleo.on.ca>.

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- Check Legal Aid Ontario’s web site at www.legalaid.on.ca.
 - Or phone Legal Aid Ontario:
 - Toll-free **1-800-668-8258**
 - Toll-free TTY **1-866-641-8867**
 - In Toronto **416-979-1446**
 - TTY in Toronto **416-598-8867**
 - Try looking in your phone book under “Legal Aid” or “Lawyers”.
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This booklet contains general information. It is not a substitute for getting legal advice about your particular situation.

Written by:

Advocacy Centre for the Elderly (ACE)
ARCH: Disability Law Centre

Edited and produced by:

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