

## 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.*

**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 can choose social and leisure activities within your means.
16. You can see your own records and decide who else can see them.
17. You can refuse services you do not want.
18. You have a right never to be subjected to humiliating or degrading treatment by Community Living Kingston employees or volunteers.
19. You can have access to a telephone with privacy.
20. You can contact and see your family members and friends.
21. You can choose your own friends and personal relationships.
22. You have the right to choose who enters your bedroom and other private living space.
23. You are entitled to be consulted and to have your preferences respected with regard to who are your housemates.
24. You can access community services that are available to everyone.
25. You have the right to refuse to work.
26. You have the right to receive and spend money that you earn or that is given to you.
27. You have the right to the safe use of your personal property.
28. 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.
29. 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.
30. 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 Community Living Participant may demand a hearing of a complaint alleging a Rights violation on the part of Community Living Kingston.

Complaints are addressed to the President and Executive Director jointly.

If the complaint is not received in writing, the Executive Director may appoint an ombudsman to assist the participant to put it in writing.

In the first instance, the staff shall be given the opportunity to resolve the complaint. If the complaint has not been withdrawn within 30 days, it remains unresolved.

Within 30 days of receiving a complaint if it remains unresolved, the President of Community Living Kingston shall convene a Rights Appeal Committee composed of three Directors. The Rights Appeal Committee is subordinate and accountable to the Board of Directors.

The Rights Appeal Committee shall hear the complaint, investigate as may be appropriate or required, and deliver a decision within a reasonable time. What period of time is “reasonable” may vary depending upon the nature of the complaint and of the investigation of the complaint and any related allegations.

Decisions of the Rights Appeal Committee are considered final.

### **Knowing your Rights and Responsibilities**

Personal Planning<sup>[1]</sup> 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.

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* you can ask a staff member for one at any time.

### **What to do if your Rights are disrespected**

Tell the staff what happened that you believe is wrong. Ask them to make it right.

2. Tell your family members or advocate what happened that you believe is wrong. Ask them to tell the staff to make it right.
3. If you have asked the staff and your family members, and they do not make it right, then you can ask the President of the Board and the Executive Director to make it right. The President and Executive Director must either make it right or call a meeting of the Rights Appeal Committee of the Board.

4. You can talk to the Rights Appeal Committee and tell them what happened that you believe is wrong. You have a right to bring your family member or an advocate of your choice to the meeting with you.
5. You have a right to have your appeal decided within a reasonable time. What period of time is “reasonable” may vary depending upon the nature of the complaint and of the investigation of the complaint and any related allegations.
6. You have the right under law to seek a remedy through legal channels if this process fails to resolve your complaint.

<sup>11</sup> See Operations Policy # 2.01 “Individualized Planning”.