



TITLE: Residents' Bill of Rights

MANUAL: Nursing

SECTION: Long-Term Care

APPROVED BY: Senior Management Team

POLICY

The North Shore Health Network (NSHN) is committed to supporting and providing a positive environment in which the rights and responsibilities of residents, families and visitors are upheld and individuals are treated with courtesy and respect. The rights and responsibilities referenced in this policy apply regardless of an individual's age, race, ethnicity, religion or religious creed, culture, language, physical or mental disability, socioeconomic status, sex, sexual orientation, gender identity or expression, marital status, national origin, ancestry, genetic information, veteran's status, and/or prior conviction of a crime.

SUPPORTIVE DATA

Fixing Long Term Care Act, 2021, puts residents first by improving the quality and value of the resident experience through the application of evidence-based care.

ROLES AND RESPONSIBILITIES

VISITORS

- Respect all residents' right to privacy and confidentiality and leave the resident room or care area when asked by long-term care workers – indecent or abusive behavior will not be tolerated.
- Be considerate of the rights of all residents and NSHN workers by treating them with courtesy and respect.
- Do not visit if you are not feeling well or have an illness that could be transferred to all residents.
- Be respectful of NSHNs property and the property of others.
- Photos or video recordings are not to be taken while on NSHNs property without prior approval.
- Visitors who do not comply with these responsibilities may be asked to leave or may be escorted off NSHNs property.
- Clean your hands often and remind others to do the same.
- Respect the scent free environment of NSHN.

WORKERS

- Be knowledgeable and capable of carrying out the Residents' Bill of Rights Policy.
- Report any negligence of the Resident rights and responsibilities.
- Attend educational programs as required.
- Work in a manner as to ensure resident rights and responsibilities are being followed.
- If unsure of the rights and responsibilities, it is their responsibility to seek out information and educate themselves.

MANAGERS / DELEGATES

- Be knowledgeable and capable of carrying out the Residents' Bill of Rights Policy.
- Attend educational programs as required.
- Ensure employees attend scheduled education programs.
- Ensure employees know their role and can respond competently to the resident rights and responsibilities.
- Review the Residents' Bill of Rights Policy with new employees during orientation and with seasoned workers.

RESIDENTS' RIGHTS

Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted:

RESIDENTS' BILL OF RIGHTS

Residents' Bill of Rights

3 (1) Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted.

RIGHT TO BE TREATED WITH RESPECT

1. Every resident has the right to be treated with courtesy and respect and in a way that fully recognizes the resident's inherent dignity, worth and individuality, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.
2. Every resident has the right to have their lifestyle and choices respected.
3. Every resident has the right to have their participation in decision-making respected.

RIGHT TO FREEDOM FROM ABUSE AND NEGLECT

4. Every resident has the right to freedom from abuse.
5. Every resident has the right to freedom from neglect by the licensee and staff.

RIGHT TO AN OPTIMAL QUALITY OF LIFE

6. Every resident has the right to communicate in confidence, receive visitors of their choice and consult in private with any person without interference.
7. Every resident has the right to form friendships and relationships and to participate in the life of the long-term care home.
8. Every resident has the right to share a room with another resident according to their mutual wishes, if appropriate accommodation is available.
9. Every resident has the right to meet privately with their spouse or another person in a room that assures privacy.
10. Every resident has the right to pursue social, cultural, religious, spiritual and other interests, to develop their potential and to be given reasonable assistance by the licensee to pursue these interests and to develop their potential.
11. Every resident has the right to live in a safe and clean environment.
12. Every resident has the right to be given access to protected outdoor areas in order to enjoy outdoor activity unless the physical setting makes this impossible.
13. Every resident has the right to keep and display personal possessions, pictures and furnishings in their room subject to safety requirements and the rights of other residents.
14. Every resident has the right to manage their own financial affairs unless the resident lacks the legal capacity to do so.

15. Every resident has the right to exercise the rights of a citizen.
16. Every resident has the right to proper accommodation, nutrition, care and services consistent with their needs.
17. Every resident has the right to be told both who is responsible for and who is providing the resident's direct care.
18. Every resident has the right to be afforded privacy in treatment and in caring for their personal needs.
19. Every resident has the right to,
 - i. Participate fully in the development, implementation, review and revision of their plan of care.
 - ii. Give or refuse consent to any treatment, care or services for which their consent is required by law and to be informed of the consequences of giving or refusing consent,
 - iii. Participate fully in making any decision concerning any aspect of their care, including any decision concerning their admission, discharge or transfer to or from a long-term care home and to obtain an independent opinion with regard to any of those matters, and
 - iv. Have their personal health information within the meaning of the *Personal Health Information Protection Act, 2004* kept confidential in accordance with that Act, and to have access to their records of personal health information, including their plan of care, in accordance with that Act.
20. Every resident has a right to ongoing and safe support from their caregivers to support their physical, mental, social and emotional wellbeing and their quality of life and to assistance in contacting a caregiver or other person to support their needs.
21. Every resident has the right to have any friend, family member, caregiver or other person of importance to the resident attend any meeting with the licensee or the staff of the home.
22. Every resident has the right to designate a person to receive information concerning any transfer of any hospitalization of the resident and to have that person receive that information immediately.
23. Every resident has the right to receive care and assistance towards independence based on a restorative care philosophy to maximize independence to the greatest extent possible.
24. Every resident has the right not to be restrained, except in the limited circumstances provided for under this Act and subject to the requirements provided for under this Act.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 24 of subsection 3 (1) of the Act is amended by striking out “restrained” and substituting “restrained or confined”. (See: 2021, c. 39, Sched. 1, s. 203 (3))

25. Every resident has the right to be provided with care and services based on a palliative care philosophy.
26. Every resident who is dying or who is very ill has the right to have family and friends present 24 hours per day.

RIGHT TO BE INFORMED, PARTICIPATE, AND MAKE A COMPLAINT

27. Every resident has the right to be informed in writing of any law, rule or policy affecting services provided to the resident and of the procedures for initiating complaints.
28. Every resident has the right to participate in the Residents' Council.
29. Every resident has the right to raise concerns or recommend changes in policies and services on behalf of themselves or others to the following persons and organizations without interference and without fear of coercion, discrimination or reprisal, whether directed at the resident or anyone else:

- i. The Resident's Council.
- ii. The Family Council.
- iii. The licensee, and, if the licensee is a corporation, the directors and officers of the corporation, and, in the case of a home approved under Part IX, a member of the committee of management for the home under section 135 or of the board of management for the home under section 128 or 132.
- iv. Staff members.
- v. Government officials.
- vi. Any other person inside or outside the long-term care home.

ENFORCEMENT BY THE RESIDENT

A resident may enforce the Residents' Bill of Rights against the licensee as though the resident and the licensee had entered into a contract under which the licensee had agreed to fully respect and promote all of the rights set out in the Residents' Bill of Rights. 2021.

ENFORCEMENT BY THE NORTH SHORE HEALTH NETWORK

Violations of this policy or associated procedures may result in appropriate disciplinary measures in accordance with the NSHN Code of Conduct or other applicable policy. Residents with decision-making capacity, individuals authorized to represent their interests and/or visitors who refuse to comply with this policy will be addressed on an individual basis depending on but not limited to the following: the Resident condition, the setting, the circumstances, and/or any other factors.

I. External References

- Health Sciences North Hospital, Sudbury, Ontario. <https://www.hsnsudbury.ca/portalen/Patients-and-Visitors/Rights-Responsibilities> October 24, 2017
- Sault Area Hospital, Sault St. Marie, Ontario. <https://sah.on.ca/patients/> October 24, 2017
- Fixing Long-Term Care Homes Act, 2021, <https://www.ontario.ca/laws/statute/21f39>