

June 15, 2007

# NOVA SCOTIA RESIDENTIAL AGENCIES ASSOCIATION

“SUPPORTING PEOPLE TO EXERCISE THEIR RIGHTS”

## CHARTER OF RIGHTS

- The Right to be Alive
- The Right to Freedom
- The Right to Control what Happens to your Body
- The Right to Equal Protection and Equal Benefit of the Law
- The Right of Choice
- The Right to Informed Consent (to Know all your choices)
- The Right to Have Things Explained to You
- The Right to Be Heard
- The Right to See a Lawyer or other Advisor
- The Right to Have Enough Money to buy Food, Decent clothes and have a place to live
- The Right to Proper Medical Care
- The Right to Charge Someone if they hurt you or take something of yours
- The Right to be Educated
- The Right to Apply for a Job and be taken seriously
- The Right to Safe Working and Living Conditions

## **What are Rights?**

“Rights are the rules that help make people equal. You are entitled to the same rights under the law as everyone else because you are a person and a citizen.

Some rights are yours when you are born. These are often called “human rights” because every human being has them. Some rights are yours when you become old enough. Some rights are yours because you live in Canada. There are laws to help make sure no one takes away your rights. Rights, which are upheld by law, are known as “Legal rights”.

People First

## **Introduction**

Individuals who have a physical disability, an intellectual disability or a mental health concern have the same rights as all citizens. Their need for assistance can lead people to make assumptions about individual's ability to exercise rights. Although some people may need assistance and support from others to exercise and maintain their rights, this does not change their basic rights.

The history of services for people who have a disability reveals many examples of "less-than-equal" treatment in relation to rights. In many instances violation of rights was a matter of standard practices. Decisions about what people did and did not do were made routinely by others, without even consulting the individual. Even today, people struggle to create services that are sensitive and responsive to the needs and desires of a very diverse group of individuals.

A pro-active approach to rights starts with the belief that people who have a disability have the same rights as all people and that, with assistance, people can exercise those rights. Nova Scotia Residential Agencies Association promotes services that respect individual difference and provide opportunities for individual development. We believe that by creating positive conditions that support individuals growth rights are more likely to be respected. As people experience more and gain a greater capacity to make decisions, the need for supervision and the potential rights restriction is diminished. The process is called affirming and protecting individual rights.

## CONSTITUTIONAL RIGHTS

### **What Rights are Important?**

In Canada, the Constitution, which includes the Canadian Charter of Rights and Freedom, and federal, provincial and territorial rights statues are the documents that guarantee equal rights to all citizens. Because of the ideas that are expressed in these documents, people who have a disability have the right to equal access to services that others would use and to experience treatment in every day affairs equal to what others enjoy.

### **Constitutional Rights:**

The obligation to respect these rights and freedoms is on governments at all levels; federal, provincial or territorial, and municipal, and on anyone acting with the authority of government. National, provincial or territorial human rights legislation prohibits discrimination and harassment on the grounds of disability by private individuals and non-governmental agencies.

The Canadian Charter of Rights and Freedoms guarantees that all citizens are entitled to the following:

- ❖ **The Right to Life**
- ❖ **The Right to Freedom**
- ❖ **The Right to Vote**
- ❖ **The Right to Control what Happens to Your body**
- ❖ **The Right to See a Lawyer or Other Advisor**
- ❖ **The Right Not to Testify Against Yourself**
- ❖ **The Right Not to be Subjected to Any Cruel or Unusual Treatment**
- ❖ **The Right to an Interpreter**
- ❖ **The Right to Equal Protection and Equal Benefit of the Law**
- ❖ **The Right to Apply for a Job**
- ❖ **The Right to Proper Medical Care**
- ❖ **The Right to Choose Where You Live**
- ❖ **The Right to be Educated (Children)**
- ❖ **The Right to be Heard**

## **RIGHTS UNDER STATUTE LAW**

Statute law refers to laws passed by the Parliament of Canada or the Legislatures of the Provinces and Territories. These laws are also referred to as “legislation”. Each piece of legislation or statute is known as an “Act” of the legislation that passed it. All of these statutes must comply with the fundamental rules laid down in the Constitution. The Constitution also establishes the rules that determine whether a particular matter should be dealt with in federal or provincial legislation.

When considering people’s right, statute law can be broken down into two main categories:

1. Human Rights legislation and,
2. Other types of legislation that pertain to specific rights.

### **Human Rights Legislation**

Human Rights statutes include the prohibition of discrimination against anyone on the grounds of disability, as well as other grounds in relation to which minorities and women have historically been denied respect and equality of opportunity, such as race, religion ethnicity, age and sexual orientation.

The Act defines discrimination to include practices such as:

- Denial of goods, services, facilities or accommodation customarily available to the general public
- Communication of hate messages
- Harassment of an individual or
- Refusal to employ a person or to differentiate adversely between one employee and another, unless the employers actions are based on bona fide occupational requirements

### **Other Statutory and Common Law Rights**

#### **The Right to Contract For, Own and Dispose of Property**

Individuals who have a disability share the basic freedom to purchase items of their choice with their own money or to make decisions about how their money will be spent. It is the responsibility of people supporting individuals to acknowledge this right as fundamental and to provide information and training to assist individuals in expanding their exercise of this right.

#### **The Right to Income Support**

People having a disability that prevents them from being able to earn their own livelihood have the right to receive social assistance.

### **The Rights to Sexual Expression and to Marry, Procreate and Raise Children**

All people deserve to have their sexuality acknowledged and respected. This implies a right to be informed about sexuality and to be able to make choice and to engage in sexual activity. An additional aspect of this right is to be accorded the privacy that is required to be able to have intimacy with another person and to be free from worries about intrusion.

### **The Right to Privacy**

The right to privacy includes access to time alone and keeping specific possessions and information personal.

### **The Right to Health Care**

Frequently, people who have a disability are denied access to health care that people who do not have a disability take for granted. Often this is based on the assumption that the individual lacks capacity to provide a valid consent to medical care. Others are denied life-sustaining treatment because of the view that their lives are of insufficient value. This is a clear violation of human rights. There is a right to receive appropriate medical and surgical treatment notwithstanding severe intellectual disability, and notwithstanding a family member's refusal to provide the necessary consent. Emergency treatment can be given without consent, although not in contravention of a person's valid refusal of the treatment.

### **Informed and voluntary Consent**

Informed consent means that the person must be told what the treatment is, what its expected benefits are, what risks there are, what side-effects could be experienced, what alternative forms of treatment could be tried and what their relative effectiveness might be and what is likely to happen if there is not treatment given at all. If any of this information is not provided, the consent obtained by the health practitioner will be invalid, and by implication, so is a refusal of the treatment invalid.

### **Refusal of Health Care**

The refusal of health care that is obviously in the best interests of an individual who has a disability places a heavy responsibility on the health practitioner to make sure that no critical piece of information is withheld, and also to consider whether the person may be incapable with respect to the treatment decision if some of the information is apparently not understood. If the person is deemed to be incapable of validly consenting, then the responsibility of the health practitioner extends either to find a lawful surrogate decision-maker, or to treat the person under the emergency treatment exception to the normal requirement to obtain consent.

### **The Right to Appropriate Support Services of the Individual's Own Choosing**

People who have a disability have the right to services in the least restrictive environment. Individuals served by provincially operated or funded service systems have the right to services that are consistent with their needs, and to the greatest extent possible, with their wishes.

### **The Right to Make One's Own Decision with Whatever Support May Be Required**

## **LIST OF RIGHTS**

### **FOR PEOPLE WHO RECEIVE "RESIDENTIAL" SUPPORT**

#### **Introduction:**

As someone who receives support, you should have an understanding of what to expect from the services and supports you receive.

A person receiving support has the right:

- 1. To be treated in a kind, polite and respectful manner**
- 2. To be free from mental, emotional, physical and financial abuse**
- 3. To free movement**
- 4. To own and access personal possessions**
- 5. To be dealt with in a manner that respects your privacy and maintains confidentiality**
- 6. To be treated as a unique individual. As such, services and supports should recognize and respond to your unique needs and preferences**
- 7. To develop a Personal Outcome Plan which will be used to communicate to your support teams your personal goals and aspirations for the future and to review and amend your Action Plans.**
- 8. To give or refuse consent to the provision of service/support**
- 9. To raise concerns or recommend changes in connection with the service provided to you, to your support staff, Manager, Director, Executive Director, the Board of Directors or the Department of Community Services, without fear of interference, coercion, discrimination or reprisal.**
- 10. To have an advocate to assist you and speak for you if necessary, especially when raising concerns with support agencies and the Department of Community Services.**

## WHAT THE LIST OF RIGHTS MEANS TO YOU

### **You Have the Right:**

#### **1. To be treated in a kind, polite and respectful manner**

In other words;

You have the right to be spoken to and treated in a considerate way. Support staff should treat you as a valued person. They may demonstrate this in many ways, including how they speak to you and how they show sensitivity to your feelings. They should listen to your opinions and act upon your wishes.

#### **2. To be free from mental, emotional, physical and financial abuse**

In other words;

This means you have right to feel good about yourself and confident about your abilities. Nobody should put you down, criticize, intimidate, make fun of you or make you feel incompetent. Staff should be sensitive to your feelings. You have the right to be safe. No one should hit, grab, punch or hurt you in anyway. You have the right to manage your own money or get someone else to take care of it for you. Staff should respect your right to handle your own financial affairs. If you need help with this, staff will assist you by providing resources and support. This also means that your money and personal property is safe from theft or damage.

#### **3. To free movement;**

In other word;

You have the freedom to move in, out and around your environment. Your right to free movement should not be limited in any way e.g.: buzzers on the door, one-one supervision, and locked doors are all ways that can be used to stop people from going places or to monitor individuals movement. These are all considered as restrictions of movement.

#### **4. To own and access personal possessions**

In other words;

You have the right to obtain, retain and protect personal possessions – such as clothing, money, personal letters, photographs, and diaries. Your possessions should not be locked up due to the behaviour of yourself or others, unless you have your own key or other means to directly access your personal items.

**5. To be dealt with in a manner that respects your privacy and maintains confidentiality.**

In other words;

You are worthy of respect and you have the right to privacy. Staff should know your personal need for privacy and act upon your wishes in this respect. Staff should respect your privacy in regards to your living space and personal visits. Confidentiality is another aspect of privacy. You have a right to know what information is kept about you, where it is kept, and who can see it. You have the right to know what happens to your records when your services are terminated. You can see your records whenever you want.

**5. To be treated as a unique individual. As such, services and supports should recognize and respond to your unique needs and preferences.**

In other words;

You are a distinct individual with the right to make decisions about your life. You can decide such things as where you live and with whom, where you work, what you do on a daily basis, when you want to do things and with whom you want to associate. Staff, need to know your personal preferences. If you need help in making your own decisions exercising control in your life or in communicating your needs, staff should assist you in developing and using these skills. You have the right to expect that the Service Provider will respond to what you want and how you want your services and supports provided according to your individual needs and preferences. The Service Provider will make reasonable efforts to know what you want from your services and to meet your personal support needs.

**6. To develop a Personal Outcome Plan which will be used to communicate to your support team your personal goals and aspirations for the future and to review and amend your Action Plans.**

In other words;

You have the right to develop an Outcomes Plan, based on your wishes, which will tell your support team about the things you hope to accomplish/achieve in the years ahead. Once your support team has been made aware of your dreams and desires they can determine with you the role they will play to assist you to obtain those things that are important to you.

**7. To give or refuse consent to the provision of service/support**

In other words;

You have the right to accept or reject services and support. You can choose to do what your support staff recommends; not to take your support staff's advice; or get a second opinion.

- 8. To raise concerns or recommend changes in connection with the services provided to you, to your support staff, Manager, Director, Executive Director, Board of Directors or the Department of Community Services, without fear of interference, coercion, discrimination or reprisal.**

In other words;

You have the right to speak freely and to exercise your rights as a citizen. You can talk and write about things that concern you and suggest recommendations for change. Your concerns and suggestions will be taken seriously and you will be responded to in a timely manner. You also have the right to written instructions on what to do if you have a complaint about your support staff. The Service Provider will give you clear written instructions on how you can initiate a complaint as well as information on how the Service Provider will support you by giving you information and linking you with appropriate resources.

- 9. To have an advocate to assist you and speak for you if necessary, especially when raising concerns with support agencies and the Department of Community Services.**

In other words;

You have the right to have someone who is independent, supportive, who you trust and who has your best interests at heart to assist you. This person or persons can act as your advocate. This person or persons can help you find the best way to express your concerns and help you find your way through systems and processes. If for any reason you are unable to speak on your own behalf, this person can act as your voice and represent you to other people, groups or government. This person will also be able to assist you without fear of interference, coercion, discrimination or reprisal.

COMMON RIGHTS CONCERNS  
FACING PEOPLE WHO HAVE A DISABILITY

**Right to the least restrictive environments**

**Freedom of unrestricted movement**

**Free access to telephones**

**Time and space for privacy**

**Confidentiality**

**Access to his/her money and personal possessions**

**Right to sexual activity**

**Right to refuse treatment**

**Right to due process**

**Freedom from intrusive methods of treatment and training**

## **DISCUSSION OF COMMON RIGHTS ISSUES**

### **RIGHT TO THE LEAST RESTRICTIVE ENVIRONMENT**

- a person is entitled to receive services in a setting that provides the least amount of structure and restrictions that is consistent with his/her needs and capabilities

### **PROVIDER RESPONSIBILITY**

- regularly re-evaluate the needs and aspirations of the individual in order to determine if the least restrictive environment required to satisfy the individual's needs and wants is being provided

### **FREEDOM OF MOVEMENT**

- the individual is entitled to freedom of movement in his/her environments
- each person must have the freedom to move in and out and around his or her environment
- there are many ways that individual rights to free movement can be limited e.g.: buzzers on the door, one to one supervision and locked doors are all ways that can be used to stop people from going places or to monitor individuals movement. These must all be considered as restrictions of movement.

### **PROVIDER RESPONSIBILITY**

- restrict by due process only
- restrict for an individual's safety
- restrict in emergency situations for safety
- if a restriction is implemented, provide training aimed at lifting the restriction and review regularly

### **FREE ACCESS TO THE TELEPHONE**

- the individual is entitled to reasonable access to a phone with privacy
- it is expected that all homes provided for people will include access to a phone with privacy, unless a person lives alone and chooses not to have one
- people who experience disabilities which impede the ability to use the phone should be assisted to use alternative methods of communication e.g.: telecommunication typewriter, large buttons etc.

### **PROVIDER RESPONSIBILEY**

- provide physical access to a phone with privacy
- if needed, provide assistance to use the phone

### **PRIVACY**

- the individual is entitled to reasonable privacy (both time and space)
- one important step is to find a way to discover and understand each person's need and preference for privacy so that these can be respected
- some of the activities that generally require extra attention to privacy are: grooming, dressing, talking about personal feelings, seeing a doctor, visiting with friends and family etc

### **PROVIDER RESPONSIBILITY**

- determine each individual's need and preference for privacy
- provide privacy for the following situations: self-care needs, visitors, counselling, time to be alone, doctors and lawyers

### **CONFIDENTIALITY**

- personal information concerning the individual should be handled in a way to ensure privacy and confidentiality
- support staff have a good deal of personal information about people
- Concern for confidentiality must encompass the sharing of any personal information whether spoken or written.

For example;

- sharing information with support staff who do not need to know
- talking about a person in front of other individuals served
- sharing personal information with volunteers or others not affiliated with the agency
- posting personal information in public or common use area

### **PROVIDER RESPONSIBILITY**

- the individual owns his/her records
- no information is to be shared (written or verbally) without the individual's or guardian's permission
- only staff at the organization with a "need to know" have access to individual information
- do not talk about one individual in front of other individuals

### **MONEY AND PERSONAL POSSESSIONS**

- the individual has the right to purchase items of his/her choice or to make decisions about how his/her money will be spent
- people have the right to obtain, retain and protect personal possessions- such as clothing, money, personal letters, photographs and diaries
- if people want to have these items, they should have a place to keep them private and safe
- possessions should not be locked up due to the behaviour of others, unless the individual has and uses his or her own key or other means to directly access personal items

### **PROVIDER RESONSIBILITY**

- provide assistance in spending money and making choices about what to buy
- provide training about how to use personal property in a way that does not present a danger or infringe on other's rights
- only consider restricting access to personal property if it:
  1. presents a danger to the individual or others
  2. interferes with the rights of others
- provide a safe and secure place for individuals to keep their personal possessions (money, photos, letters, etc.)

### **SEXUAL ACTIVITY**

- individuals are entitled to engage in sexual activity like any other citizen
- supports must address the development of positive interpersonal relationships and assist individuals to broaden their social experiences. A person's right for privacy, choice, expression, association, marriage and religion may all impact on personal behaviour in the area of sexuality

### **PROVIDER RESPONSIBILITY**

- Provide training/information about appropriate sexual activities and issues (anatomy, social relationships, masturbation, intercourse, diseases, etc.). Provide privacy for appropriate sexual activity

### **RIGHT TO REFUSE TREATMENT**

- individuals have the right to refuse treatment
- since any individual who has reached the age of majority is presumed competent without legal action to document otherwise, one basic choice that may be exercised is the right to refuse treatment

### **PROVIDER RESPONSIBILITY**

- some proposed treatments are not critical to the individual's well being. In these cases, the individual can simply refuse a particular treatment
- when treatment is refused, the individual will be provided assistance, information and training aimed at helping the individual understand enough about the need and outcome of the proposed treatment so the individual can make an appropriate and informed decision regarding the acceptance of treatment
- if the proposed treatment concerns a life-threatening situation, intervention may be justified in order to provide the treatment in order to avoid the life-threatening situation

### **RIGHT TO DUE PROCESS**

- due process is required for all procedures (proactive, reactive, reinforcing) aimed at changing a person's behaviour whether the procedures are positive or intrusive; and, when a person's rights are to be restricted

**PROVIDER RESPONSIBILITY**

- inform individual and/or guardian/trustee and provide a reason for the proposed restriction
- give the individual and/or guardian/trustee an opportunity to have input and react to the proposal
- obtain independent approval of the need for the restriction by the Rights Review Committee or the legal system
- do not submit the person or guardian to undue constraint or pressure

## **INTRUSIVE METHODS FOR TREATMENT AND TRAINING**

People who have a disability often need supports to accomplish routine daily tasks and activities. Intrusive procedures include the provision of too much support or supervision (more than is needed by the individual) or the use of restrictive or intrusive procedures (mechanical, chemical or physical restraints, time-out room, medication and rights restriction). These procedures usually interfere with at least one of the following: rights, movement, access, privacy, treatment or training.

It is critical to determine how much support is necessary for each person. Assessment of each person should include a determination of what supports he or she needs. Whenever possible, our goal should be to assist people to use typical methods and environments for learning to work in a real work environment, learning to use money by making purchases at stores or other places, or learning about banking by having a bank account.

Restrictive or intrusive procedures should never be used as the only form of intervention. If necessary, they should be integrated into an overall intervention strategy that includes the use of procedures that teach or reinforce alternative or other purposeful behaviour. When used, restrictive or intrusive procedures must only be used as part of a comprehensive plan.

The restrictive or intrusive procedure must be subjected to a "risk" analysis that identifies the negative consequences of using the procedure and the negative consequences of not using the procedure and thereby allowing the dangerous behaviour to go unchecked. A conclusion as to which direction is less dangerous must be reached and documented. In other words, does the risk of the inappropriate behaviour exceed the risk associated with the use of the proposed restrictive or intrusive technique?

Restrictive and/or intrusive procedures should only be used when it is necessary to prevent personal injury to the individual or others, or to stop significant (not minor) property damage.

Less restrictive and less intrusive procedures must be attempted prior to the use of more restrictive or intrusive procedures.

Before using restrictive or intrusive procedures there must be some type of formal consultation process. Prior to implementation, there must be consultation with the person, the Rights Committee, the guardian or trustee and the individual support network.

## **BASIC PRINCIPLES TO GUIDE SUPPORT FOR RIGHTS AND RESPONSIBILITIES**

Recognize That People Are People

Know Which Rights Are Important to Each Person

Offer Support versus Imposing Restrictions or Limitations

**Support = assisting people to exercise choices**  
**Restriction = offering no support – something “we” impose**

**REMEMBER – WITHOUT CHOICE THERE IS NO RESPONSIBILITY**

## WHAT IS CHOICE?

### Choice is a:

- Product of decision-making
  
- Reflection of personal preferences and priorities
  
- Means to exert personal autonomy and create individual identity

## **THE INDIVIDUAL AS DECISION-MAKER**

Acknowledging the individual as decision-maker is essential for affirming and protecting individual rights. The individual should be expected to make all decisions about his or her life. Although some people may need a great deal of assistance to make even the smallest of decisions, services should not be designed around the assumptions that people can not make decisions. Rather, the system should assume competence and provide for assistance when skills are lacking. The goal of staff is to obtain from the person direction and informed consent for services.

Capacity, information and voluntariness have been identified as elements important to informed consent.

Capacity refers to the ability of the individual in the decision-making process in relation to the specific decision that is to be made.

Information concerns the individual's access to the facts necessary to make a decision and the individual's ability to understand the facts and circumstances relevant to a given situation.

The last element, voluntariness, requires that the individual be free of any pressure or coercion in making the decision to give or withhold consent.

The individual's capabilities in each aspect of the decision-making process must be determined based on experiences. People must have sufficient experience and knowledge based on exposure, interactions, and intrusive or personal response to make an informed decision. A real choice can only be made when there is adequate awareness of the alternatives and the consequences of the options available.

## THE SERVICE PROCESS AS A RELATIONSHIP

It is helpful to think of the service process as a relationship. When both parties have entered into this relationship of their free will, they may also terminate the association, if desired. All too often the person receiving support is not included in decision-making directly. The person should always have the opportunity to express his or her opinion in face-to-face discussions.

## RIGHTS RESTRICTIONS: THE LAST RESORT

The person's support network should consider every available option for action before choosing one that restricts his or her rights in any way. Changes in routines, environments, relationships and other variables that may affect the situation and contribute to the need for restriction should be considered.

There may be a number of things that affect how fully we exercise our rights. A restriction is defined as any externally imposed limitation of rights.

It is often difficult to distinguish responsibility for supervision and support of people from the restriction of individual rights.

The primary difference is:

**Supervision is providing support to the individual in making choices.  
Restriction offers the individual no choice**

The point at which action must be taken that removes any option for choice from the individual is when a restriction is imposed.

The following principles should be used as a guide when imposing rights restrictions:

- Consult with the Rights Review Committee
- Individual needs should guide restrictions
- Restrict only specific rights
- Use the least amount of restriction possible
- Always obtain consent or approval
- Plan for independent and regular review and reinstatement of rights (with the Rights Review Committee)

## **LIBERTY LIMITING PRINCIPLES**

### **Harm Principle**

- A person's freedom of choice may be limited if it will harm others

### **Paternalism**

- You may intervene to prevent the person from hurting self

### **Legal Issues**

- A person's freedom of choice may be limited if it is illegal

### **Moral Issues**

- A person's freedom of choice may be limited if it is morally offensive to others. However in saying this, one must be very cautious and follow due process when deciding if a choice is morally offensive.

### **Offense**

- You may limit someone's action if it is offensive to others

## **DUE PROCESS**

Due process is the commitment to treating each person equitably by ensuring that decisions about their lives are made in a fair and balanced way and their concerns about fair treatment are heard. It provides people the guaranteed opportunity to be informed, to be heard, to give consent, to protest, and to have any decision regarding limitation or restriction of their rights to be made by an impartial party.

## **A PRO-ACTIVE APPROACH TO OTHERS**

A pro-active approach to rights means addressing and supporting the exercise of rights before problems arise. Barriers to full exercise of individual rights can be summarized in three categories:

1. Low expectations of the person
2. Limited opportunities
3. Insufficient support

### **Expectations**

Positive expectations and assumptions about people are important for respecting individual rights. We must first expect that people will fully exercise their constitutional rights as citizens before we can address the issue of how to assist them in doing so.

### **Opportunity**

People are often limited in their opportunity to take part in the kinds of activities that would prepare them to exercise their rights.

The primary questions to ask are:

- "If the people I support wanted to exercise their rights,
- What skill would they need?
- What resources would they need?
- What action would they have to take?

Lack of skill and experience is one limitation that many people face. Their life circumstances have not provided them with the typical opportunities for learning that are equivalent to the average person. Lack of resources, such as money, friends and transportation may also contribute to limited opportunity for each life experience.

Rules and procedures can also limit individual opportunity for rights expression. Some people may not exercise their rights because they lack the confidence or ability to challenge support workers or agency policy. They learn to accept the way things are and feel powerless to make things change.

A true commitment to respecting individual rights and preferences is expressed through all daily activities and interactions:

- Creating ways for people to express their own opinions.
- Actively soliciting individual opinions and preferences through assessment.
- Group and individual meetings at home and work.
- Actively encouraging people to develop friendships in the community.
- Actively encouraging people to develop social roles in the community.

**Support**

The final factor to consider in supporting individual rights concerns the support available to them. One of the most important responsibilities of support staff is to assist, guide and educate individuals in the expression and exercise of rights. Policies and procedures need to allow for opportunities to involve people who receive services in agency decision-making. People who receive services should be involved in agency evaluation, budget planning, the agency rights, committee and other standing committees. Modifications to physical environments may also be needed to facilitate independence and the exercising of rights. Support for the full exercise of rights requires the efforts of all people in a service agency.

**Guidelines for Action****Don't**

- assume that any individual can not learn to exercise his or her rights
- wait for the individual to initiate action or request assistance

**Do**

- review each person's rights carefully and completely
- identify the supports and experiences people may need
- test out individual abilities through experiences
- offer a variety of learning experiences
- look for new ways to involve people in decision-making and community activities

# **A MODEL TO ASSIST INDIVIDUALS TO EXERCISE THEIR RIGHT TO INDEPENDENT LIVING**

The following model has been developed to guide members of NSRAA in their efforts to promote and enhance the rights of individuals who receive support from them. The model has a five part application:

## **1. A list of Rights for Individuals who Receive Support**

A list of Rights has been drafted using simple and understandable language which states individual's rights while receiving support from the Service Provider. These rights are in addition to the basic constitutional rights assured to every citizen.

## **2. Rights Advocates**

Members of the Outcomes Support Team would be assigned the responsibility to act as "Rights Advocates" for individuals while receiving support from the Service Provider. An Individual can also choose a Rights Advocate from outside the Agency.

## **3. A Rights Review Committee**

The Rights Review Committee will be an independent committee made up of volunteers not associated with the organization. This committee will monitor rights restrictions and promote services that enhance individual rights. The Rights Review Committee will provide an objective voice for both the organization and the people supported by the organization.

## **4. An Individual Rights Restriction List**

As part of each individual's plan would be a list of any rights restrictions to which the individual is subject. The purpose of the list is to have a record of rights restrictions to review and to encourage, as part of the plan, growth in the individual to render rights restrictions unnecessary.

## **5. Rights Information and Education**

Information sessions for individuals who receive support and the staff of the Service Provider would be coordinated to help people understand their rights and the responsibilities associated with exercising rights.

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**CQL CANADA**

**PEOPLE FIRST**

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