



*SECTION 1: PREAMBLE*

**For Residents, By Residents**

# SECTION 1

## Inside you will find...

- 1.1. Introduction to the Ontario Association of Residents' Councils
- 1.2. Residents' Bill of Rights
- 1.3. Acknowledgements
- 1.4. How to Use this Resource Guide



## 1.1 The Ontario Association of Residents' Councils

### Who We Are

The Ontario Association of Residents' Councils (OARC) is a non-profit association formed in 1981 by residents, to act as a collective voice for Residents' Councils in all long-term care (LTC) homes in Ontario.

#### *OARC's Mission*

We empower Ontario long-term care residents to understand their rights, share their lived experience, and inspire a better tomorrow. We do this by working together with our partners to educate stakeholders, build a collective voice, and create positive culture change.

#### *OARC's Vision*

Every long-term care resident in Ontario shapes the place they call home.

#### *OARC's Values*

Compassion – We demonstrate compassion by developing caring relationships that are built on acceptance, trust, and honesty.

Dignity - We embrace the inherent dignity of all people and respect their right to be valued and accepted without judgement.

Inclusion – We are committed to ensuring that all residents are engaged and heard.

Collaboration - We know that we can accomplish more when we work together to achieve shared goals.

FOR RESIDENTS, BY RESIDENTS - INSPIRING A BETTER TOMORROW.

### OARC Governance



The Board of Directors are committed to strive for a greater collective impact of OARC's vision and mandate. Directors represent expertise and knowledge from fields across the LTC spectrum and beyond, including Resident Leaders.

The OARC provides a strong, unified network through which the activities of individual Councils are enhanced. This is vital to their continued existence and effectiveness.



## 1.2 Residents' Bill of Rights

In Ontario, the rights of residents in LTC homes are protected through the *Fixing Long-Term Care Act, 2021 (FLTCA)*. These rights have been strengthened and expanded to reflect our province's fundamental values. The rights are listed below and, for ease of understanding, some include clarifications from a booklet developed by the Advocacy Centre for the Elderly entitled, "*Every Resident: Bill of Rights for people who live in Ontario long-term care homes.*"


### Residents' Bill of Rights

#### 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.



Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted. [2021, c. 39, s. 3(1)]

Every licensee of a long-term care home shall ensure that the required information is posted in the home, in a conspicuous and easily accessible location. [2021, c. 39, s. 85 (1)]

#### 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.

#### RIGHT TO QUALITY CARE AND SELF-DETERMINATION

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 or 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 Residents' 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.

Every licensee of a long-term care home shall ensure that there are written procedures that comply with the regulations for initiating complaints to the licensee and for how the licensee deals with complaints. [2021, c. 39, s. 26]

### 1.3 Acknowledgements

Have you ever experienced challenges in establishing, maintaining or supporting your home's Residents' Council? We hope that you will find the





information in this resource guide to be helpful in addressing your questions and challenges, in order to maximize your Council's effectiveness.

We encourage the Residents' Council's leadership team, the Residents' Council assistant as well as home Administrators, to use this guide as a source of creative ideas to help strengthen and support your home's Council. The guide borrows heavily from our experiences and our work, as well as from what hundreds of residents, team members and colleagues have taught us over the years since OARC was formed. It reflects a collection of ideas and best practices from provincial and international groups, and we would like to thank and acknowledge all of our contributors.

We especially want to thank the members of OARC's Advisory Group, a dedicated group of residents and team members who work with the Residents' Councils in their respective long-term care homes and who generously volunteered their time to develop the content for the original publication of this resource guide. We would also like to thank OARC's former Executive Directors for their pioneering endeavors, ideals and vision. Additional material for this resource guide was developed through consultation with the Ontario Family Councils' and residents and team members from the following homes: Village of Aspen Lake, Thornton View LTC, Sunnyside Home, Pleasant Manor Retirement Village, Extendicare Bayview, Woods Park Care Centre, Bob Rumball Home for the Deaf, and Providence Manor. Everyone's comments, ideas and practices shaped the development of this guide, and we appreciate the commitment they have shown in helping our province's Residents' Councils flourish.

OARC gratefully acknowledges the Ontario Ministry of Health and Long-Term Care (MOHLTC) for its ongoing support of OARC activities and programs, including the development and distribution of this guide.

### *Advisory Group Membership for the Original Publication of this Resource Guide:*

The Advisory Group consisted of OARC team members, long-term care home residents and team members. We are appreciative of their efforts and hard work to create this essential guide to forming and maintaining effective Residents' Councils in long-term care homes.

## *1.4 How to Use this Resource Guide*

This resource guide is designed to be user-friendly and comprises four main sections:

### **1. Section One: Preamble**



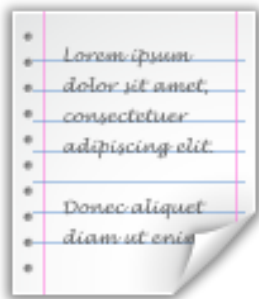


2. **Section Two: Supporting the Establishment of Your Residents' Council**
3. **Section Three: Supporting the Operations of Your Residents' Council**
4. **Section Four: Supporting the Sustainability of Your Residents' Council**

Each section explores topics meaningful to a Residents' Council, while also respecting the unique needs of the resident's home. As you read each topic, begin to think about how it applies to your home. What information do you think could be useful? Are there any suggestions that you believe could help to improve the effectiveness of your Residents' Council or strengthen relationships within your home?

As you read through the guide, you will find many additional resources, such as checklists, sample agendas and templates. The most current versions of OARC tools and templates referenced in this guide can also be accessed online at [www.ontarc.com](http://www.ontarc.com). Most tools are available in a range of font sizes to best meet the needs of your Council members. You may photocopy, print and/or customize any of these resources to suit your needs, except for the Residents' Bill of Rights, which is provincial legislation and cannot be altered. We also encourage you to add your own documents, such as copies of policies or official Council documents, at the end of the section that contains related topics.

It should be noted that the suggestions in this resource guide are not rules that must be strictly followed, nor are they intended to provide a prescriptive, one-size-fits-all approach. Rather, the guide discusses different issues you may experience and presents several ideas that you may decide to try.



## Taking Notes

In Section One, you will find one blank, lined sheet of paper for taking notes. You can photocopy this page, if you need additional paper.

## *Our Home's Policy or Law?*



Please speak with your home's management team to find out what practices are the policies of the home /organization. This will help you to differentiate home-based practices from practices required by law.



## Helpful Icons Used in this Resource Guide

The following icons are used throughout this guide to highlight important information and helpful ideas for you to consider with your Council.



This icon appears next to legislative requirements that **must** be in place in your home.



This icon can be found beside information the Staff Assistant may find helpful.



This icon suggests inserting copies of documents specific to your home.



This icon shares a story about an experience relevant to Residents' Councils.



This icon appears next to key information that is important, but not critical.



This icon can be found beside information about money.



This icon points to helpful tips and suggestions from OARC.



This icon flags recommended questions from OARC.



## Glossary of Terms Used in this Resource Guide

**Board of Directors:** Refers to a type of Residents' Council's leadership team made up of the Council's Executive and all Home Area Representatives. Each Council is responsible for recording these positions in their Bylaws. The Board of Directors is responsible for the general administration of the Council.

**Executive:** Refers to the team of residents elected or officially appointed to serve as Officers for the positions of President, Vice-President, Secretary and Treasurer of the Council.

**Home Area Representative:** Refers to a resident who has been elected or recruited to represent a particular area of the home, such as a floor or residential neighbourhood, at Residents' Council meetings. Each Council is responsible for recording this position in Bylaws.

**Home's Management Team** (also known as a management team): Refers to the people who have managerial and administrative responsibilities enabling them to support residents and team members, while ensuring that the day-to-day operations of the home are strong and stable.

**Leadership Team\*:** A broad-spectrum expression that refers to every type of leadership structure a Residents' Council may choose to adopt. Council members are responsible for determining the composition of their leadership team, which may take the form of an Executive, a Board of Directors, Shared Leadership, or any other leadership structure that performs the responsibilities of the people who lead the Council's operations. There are many variations on this model. r

*\*For ease of reading, this guide uses "leadership team" as a generic term referring to all possible structures.*

**Licensee:** Refers to the person who holds the licence for the home. A licensee may assign a designate who assumes responsibility for the day-to-day operations of the home. The designate is typically the home's Administrator or Executive Director.

**Resident:** Refers to a person living in a particular place—regardless of length of stay—either for an extended period, such as in a convalescent, respite or rehab home, or permanently in a LTC home.

**Robert's Rules of Order:** The authoritative guidebook on parliamentary procedure designed to help anyone smoothly conduct orderly meetings in a fair manner. The book can be purchased at a bookstore, or you can familiarize yourself with the full text of this book electronically by typing the following in your Internet browser: <http://www.rulesonline.com/index.html>.



**Staff/Team Members:** Refers to all persons employed by the home and is inclusive of your home's management team.

**Residents' Council Assistant:** The term used to describe the person who assists the Residents' Council as requested. This person is not a member of the Council and they are not part of the Council structure. If the Council determines that assistance from a team member is needed, the LTC home licensee is required to appoint a Residents' Council assistant who is acceptable to that Council through a negotiated process with the Council. Duties may include (but are not limited to) assisting with agenda preparation, organizing the meeting space, recording minutes, facilitating discussion, and assisting with elections. The intent of the LTCHA is for the home to appoint a non-managerial staff member to fulfil the role of Residents' Council assistant. If the assigned Council assistant is not acceptable to the Council, the Residents' Council Executive and the administration discuss possible alternatives. The acceptance of a Residents' Council assistant should be documented in the minutes of the meeting during which the decision was made. The OARC Minute template provides an opportunity for Councils to review the suitability of the assistant on an annual basis (recommended).