

# Implementing Residents' Council Bylaws: Frequently Asked Questions

This document was created to capture and address some of the specific questions raised by residents and Residents' Council supporters during our Residents' Council Bylaws webinar. The ideas presented are recommendations from the OARC team and showcase examples of promising practices shared by long-term care Residents' Councils from across the province.

## **Q1. Are Bylaws for Residents' Council required by the Ministry?**

While Bylaws are not required by the Ministry of Long-Term Care, OARC highly recommends them because they provide important structure and safeguards for your Residents' Council. Every Council experiences periods of change and transition. For example, your Resident Council executive/leadership team members might change, or you might welcome a new Resident Council Assistant or Administrator in your Home that might be unfamiliar with the operations and nuances of your Council. Having Bylaws available for reference can be helpful to residents and Home management because it is a one-stop resource to learn about your Council's agreed upon processes etc.

## **Q2. Are Council Bylaws the same as Municipal Bylaws?**

Residents' Council Bylaws are distinctly separate and not related to provincial or municipal laws. They pertain to the operations and function of individual Residents' Councils only.

Your Council can create and implement Bylaws that reflect and address what is written in the long-term care legislation. The Fixing Long Term Care Act (FLTCA, 2021) outlines the framework for Residents' Councils. The Act specifies how home Management will communicate with the Council, and what the Council's scope of influence in the home is; however, it does not prescribe exactly how individual Councils should run. This lack of specificity can be frustrating and can lead to confusion or misinterpretation. Bylaws give Councils a space to capture their own agreed upon processes which are documented in writing, periodically reviewed, and updated when needed.

## **Q3. Are Terms of Reference and Bylaws the same?**

Technically, terms of reference are used in addition to Bylaws as they are two separate documents. Merriam-Webster dictionary describes terms of reference as "a description of

what must be dealt with and considered when something is being done, studied, etc. The terms of reference for the committee are narrow and specific.”

There was a time that OARC recommended that Councils create three documents, including Terms of Reference, a Constitution *and* Bylaws. Recognizing the changing needs of residents and their Councils, and wanting to reduce the administrative burden for Councils, we now recommend that **having Bylaws is sufficient**. Information that might have traditionally appeared in Terms of Reference can easily be included in your Bylaws.

#### **Q4. Would you recommend that Bylaws include details about any Residents’ Council subcommittees, or do they need to have their own (separate) Terms of Reference?**

To simplify and streamline your process, consider including details about your Residents’ Council subcommittees (such as Food Committee, Welcome Committee etc.) directly into your Bylaws document. You do not necessarily need to create a whole separate document for your Terms of Reference unless this is something your Council decides might be helpful.

To incorporate subcommittee information into your Bylaws, simply, add a dedicated “Subcommittees” section into the OARC Bylaw template. Here you can list your various subcommittees and indicate their purpose, goals, and any details you would like to add.

#### **Q5. What does an actual Bylaw look like? Are Bylaws attached to every Council Agenda/Minutes or are they kept in a specific log that is presented annually?**

Bylaws are similar to an operating manual for your Council in that they can be used as a reference tool to provide helpful guidance and structure. To get a better sense of what Bylaws look like, consider exploring OARC’s [Bylaw template](#).

Bylaws do not need to be attached to every meeting Agenda or set of minutes. They can be posted on your Residents’ Council information board or kept with your archived meeting minutes – whatever your Council decides. Consider adding a Bylaw review as an annual agenda item. For example, your Council might decide to review your Bylaws every January. Through group consensus, your Council can also choose to review and update your Bylaws document at any time throughout the year if your Council practices/processes change. (See example below outlining the process for a Bylaw amendment).

**Example:** A discussion has come up in a Residents’ Council meeting about finances. The Council has \$1,500 in their account and they would like to fundraise. During this discussion, residents express that they do not want their account to go below \$800. They put forth a

motion requesting for a reserve of \$800 to always be maintained in their account and to ensure that any approvals for spending take this amount into consideration. This new rule is passed. As a next step, the Residents' Council leadership (with support from their Assistant) updates the Residents' Council Bylaws document to reflect this new financial rule.

**Q7. During a recent Ministry of Long-Term Care inspection, our home was cited because resident names were not included in the Council's Meeting Minutes, even though the residents here voted to keep names out of the minutes to help maintain confidentiality and anonymity. How do Bylaws stand up against these challenges?**

During a Ministry inspection, Bylaws can be helpful because you can use this document to demonstrate your Council's decision to do something a particular way (or in some cases, not to do something). OARC recommends that Councils carefully document such discussions and consensus decisions in meeting minutes so that minutes can be referenced at a later date and used to provide 'proof' to Ministry inspectors to prevent any finding of non-compliance.

In the case above regarding the use of resident names in meeting minutes, had the Residents' Council Assistant or Resident Leader been questioned about the omission, the outcome might have been different if they were able to demonstrate that the Council had voted/decided against using names in meeting minutes/Bylaws. Moving forward, a compromise for that Council to consider might be to use residents initials instead of full names. Alternatively, when a concern is being captured, it can be expressed in a more generalized way such as "a resident from Home Area 3 had a concern with the following..." instead of singling out one resident by name. Consider discussing these options with your Council to see which feels best for the group.

In some cases, Ministry Inspectors have identified compliance issues when Residents' Council meeting minutes are not posted. It is important to note that in the Fixing Long-Term Care Act (FLTCA, 2021), recent minutes from the Residents' Council are part of the 'required information' that are to be posted publicly in a 'conspicuous and easily accessible location'. However, the law clarifies this process stating that the posting of these minutes is done with the 'consent of the Residents' Council' (FLTCA, 2021).

If residents have expressed a desire not to post their minutes, explore why this might be the case. Are residents fearful of being identified or is there another issue at play? If the residents vote against posting minutes, capturing this in both bylaws and minutes is a very important step. Be sure to make a note of the date of this decision as it might be flagged again in the future.

## **Q8. Can the Residents' Council Assistant make suggestions for Residents' Council spending without being perceived as influencing resident decisions?**

Ideas and opportunities for Residents' Council spending are often welcomed by residents looking for creative ways to spend their funds. It is always best to present a number of options for Council consideration and allow time for group discussion and reflection. Ultimately, it is the decision of the Council to determine whether to say yes or no to the suggestions presented or how much money they'd like to contribute. To capture the collective voice and consensus decision, a vote should always be taken during a general Council meeting where Council spending is being discussed. This will ensure that the residents are the ones making the final decision on how the money will be spent.

**Note:** Consider including some spending guidelines in your Bylaws document. For example, the Council might agree that all purchases should benefit all residents (versus buying items for one home area or investing in items that are not accessible to all).

## **Q9. How do Bylaws speak to fundraising?**

Residents' Councils have ability to sponsor and plan activities, so it follows that they might be engaged in some kind of fundraising in order to do so. Fundraising can be a subsection of the Financial Management section of your Bylaws. When outlining how your Council will fundraise, consider the following questions:

- Approximately how many fundraising events will occur during the year?
- Will your Council form a Fundraising subcommittee or working group that will report back to the Residents' Council?
- Who else might the Residents' Council partner with when planning and executing fundraising events? (staff/team members, Family Council, community members)

## **Q10. Residents at our LTC home don't seem to be engaged, voice concerns or have a vision for their Council. In this case, how much support can a Council Assistant provide to move forward with the creation of Bylaws?**

Before tackling Bylaws, OARC recommends finding creative ways to help residents feel connected to their Council. A visit from the OARC Home Support team might be a great source of ideas and inspiration or use Residents' Council week in September as a way to relaunch and educate about the importance of Council. Once you have sparked some renewed interest and people want to participate and attend, then you can start to work through the OARC Bylaw template.

**Note:** Even if you only have a small group of people who attend Council meetings, all interested residents can be engaged in Bylaw creation. This can be done as part of a small working group or at a general Council meeting.

As the appointed Residents' Council Assistant, your role is to take direction from the residents and provide administrative support and other assistance. Your role is special because you can take the time to get to know what makes each resident unique and find ways to incorporate their individual strengths and skills as part of Residents' Council. When starting to re-establish your Residents' Council it is helpful to adopt a [strengths-based approach](#). Changing abilities and deficits are often the focus when residents are moving through our healthcare system and into long-term care; what illness, disabilities, or limitations a person has. Strengths-based approaches, by contrast, turn deficit-focused thinking upside down, placing emphasis on what an individual can do by leveraging their strengths, and upholding self-determination and resiliency. Strengths-based approaches reinforce the fact that the individual is whole and valued.

Be creative in how you get the information out to the Residents. Think about your Residents and their strengths and abilities, and utilize those when promoting the Council. Ask yourself,

Can the individual do this by themselves?

Can the individual do this if asked?

Can the individual do this with my help?

Can the individual accompany me while I do it?

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