



Communication Disabilities Access Canada

The attached handouts are intended to supplement the information provided in one of our legal information webinars.

If you have not attended the live webinar, you can view a recorded version from June 1 – 30, 2016 by going to:

<http://www.cdacanada.com/projects/legal-rights-webinars/>

Thank you.

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Webinar 4 Handout 1

Personal Support Services in Ontario

Developmental Services

- Direct funding (currently called “Passport Funding)
- Services (e.g. Person-centered planning, adult protective service worker, family support worker)
- Residential Services (7 types of residential settings)

Attendant Services – “consumer-directed physical assistance with routine activities of daily living” Centre for Independent Living.

- Outreach Services
 - Attendants come to your home or work place
 - Services offered may vary slightly by provider
 - Support for ‘essential communication’ is not clear
 - Maximum hours are typically three a day for this model
- Supportive Housing Services
 - Accessible units in apartment buildings with attendant services shared amongst residents with disabilities
 - May or may not provide assistance outside of the home
 - Maximum hours of care approximately six hours per day with 24/7 on call services
- Direct Services
 - Funding provided to a person with disability to hire and manage their own attendants to provide assistance at home, work and in the community
 - Maximum hours per month 212 hours (7 hours per day)
- Home Care Services
 - Care coordination and referrals
 - Personal support – bathing, eating, hygiene etc.
 - Professional services – nursing, physiotherapy, social work, speech therapy etc.
 - House keeping – cleaning, laundry, shopping etc.
 - Medical supplies and equipment



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Webinar 4 Handout 2

Home Care Bill of Rights

What is the Home Care Bill of Rights?

- The Home Care Bill of Rights is a part of the "Home Care and Community Services Act." You can see the whole act here:
<https://www.ontario.ca/laws/statute/94l26>

What services would this apply to?

- This act applies to services provided by Community Care Access Centres. This includes services like in-home nursing, personal support workers, and other services.
- It may also apply to other programs like outreach attendant services or supportive housing (attendant services sector)

The Home Care Bill of Rights says you have the right to:

1. be treated with respect and to be free from abuse
2. have your privacy and dignity honoured and your autonomy respected
3. have your needs and preferences respected
4. receive information about the services you get
5. take part in decisions about your services
6. consent to or refuse services
7. comment or criticize without anyone taking action against you
8. receive information about laws and policies and how to make a complaint
9. have your records kept confidential



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Webinar 4 Handout 3

Relevant Legislation and Resources

Attendant Services Settings

- Home Care and Community Services Act
<https://www.ontario.ca/laws/statute/94I26>
- Bill of Rights from the HCCSA
<https://www.ontario.ca/laws/statute/94I26#BK4>
- Ministry of Community and Social Services Act, 1990
<https://www.ontario.ca/laws/statute/90m20/v4>
- ARCH Fact Sheets:
[01 - Fact Sheet - Attendant Services \(English\) \(WORD\)](#)
[02 - Fact Sheet - Direct Funding \(English\) \(WORD\)](#)

Developmental Disabilities

- [Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008](#)
- Plain Language Guide to the Services and Supports to Promote the Social Inclusion of Persons with Disabilities Act
http://www.mcsc.gov.on.ca/documents/en/mcsc/publications/developmental/DSplainlanguage_en.pdf
- Plain Language Guide to the Regulations and Quality Assurance Measures
http://www.mcsc.gov.on.ca/en/mcsc/publications/developmentalServices/Guide%20to%20the%20Regulation%20on%20Quality%20Assurance%20Measures_pictures.pdf
- [Services and supports for people labelled with an intellectual disability-English \(WORD\)](#)
- Ombudsman

<https://www.ombudsman.on.ca/Home.aspx>

- ARCH, 2010
[Enforcing the Rights of People with Disabilities in Ontario's Developmental Services System \(WORD\)](#)

Homecare Services

- *Home Care and Community Services Act*
<https://www.ontario.ca/laws/statute/94I26>
- *Bill of Rights from the HCCSA*
<https://www.ontario.ca/laws/statute/94I26#BK4>
- Home Care Bill of Rights Booklet
http://www.cleo.on.ca/sites/default/files/book_pdfs/hc-bor.pdf
- Home Care Complaints and Appeals Booklet, Community Legal Education Ontario
http://www.cleo.on.ca/sites/default/files/book_pdfs/homecare.pdf
- ARCH Fact Sheet
[03 - Fact Sheet - Community Care Access Centre \(English\) \(WORD\)](#)

Long-Term Care Settings

- Long-Term Care Homes Act. It includes a Residents' Bill of Rights
<https://www.ontario.ca/laws/statute/07I08>
- Bill of Rights section:
<https://www.ontario.ca/laws/statute/07I08?search=long+term+care+act#BK5>
- A Guide to the Long-Term Care Homes Act, 2007 and Regulation 7
Ministry of Health and Long-term Care
http://www.health.gov.on.ca/en/public/programs/ltc/docs/ltcha_guide_phase1.pdf
- The Prevention of Abuse and Neglect in Ontario Long-Term Care Homes
Graham Webb, Advocacy Centre for the Elderly
<http://www.ancelaw.ca/appimages/file/Prevention%20of%20Abuse%20&%20Neglect%20in%20LTC-2013.pdf>

- What can I do if my rights are violated? Community Legal Education Ontario
<http://www.cleo.on.ca/en/publications/everyres/what-can-i-do-if-my-rights-are-violated>



Communication Disabilities Access Canada

Webinar 4: Handout 4

Personal Support Services

Making a Complaint about Personal Support Services

Complaint Options

If you feel your rights are being violated or ignored by a person providing personal support services, you can:

1. Ask the organization for their complaint process of the organization and follow the procedures.
2. Sue the organization for breach of contract.
3. If you think that a crime has been committed, contact a disability organization, legal professional or police.
4. If you think you have experienced discrimination, contact the Human Rights Tribunal of Ontario.
5. If you think your privacy has been compromised, contact the Information and Privacy Commissioner (IPC)
6. If you have a complaint about the behaviour or services of an occupational therapist, speech and language pathologist, physiotherapist, doctor, nurse, contact that profession's regulatory body.

Making a complaint to an organization

- Contact your case manager or the manager of the agency. Ask for a written explanation of the complaint process.
- Follow the complaint process until you get a final decision from the organization.
- If you are not satisfied with the answer, you may be able to appeal it. If your complaint is covered by the Bill of Rights, you might be able to have a court review the decision. It is advisable to get legal advice for this.
- If your complaint was about not getting services or having services changed or cut back, you can appeal the decision by contacting the Health Services Appeal and Review Board. www.hsarb.on.ca or [416-327-8512](tel:416-327-8512)

- You can also contact Long-Term Care Action Line and request an Independent Complaints Facilitator (ICF). For information: [1-866-876-7658](tel:1-866-876-7658)
- If your complaint was about privacy, you can complain to the Information and Privacy Commissioner. [Click here](#) for more information.

Suing an organization

- The CCAC or organization that provides services to you has agreed to follow the Bill of Rights, even if they have never made a written or spoken agreement with you. If the CCAC or agency does not follow the Bill of Rights, they have broken their agreement with you.
- You can sue the organization in court for breach of contract. You should get legal advice to do this. If the court agrees with you, the court may decide that the CCAC or agency must pay you money to make up for breaking their agreement.

Contacting the police

- If a crime was committed against you, you may want to report it to the police. You may want to get legal advice from a disability organization or from Ontario's Human Rights Legal Support Centre.

Making an application to the Human Rights Tribunal of Ontario

- If you think you have experienced discrimination, you can take your complaint to the Human Rights Tribunal of Ontario (HRTO). Examples of discrimination include being treated unfairly because of your religious beliefs, race, age, disability, sexual orientation, or ethnic background. It is advisable to get legal advice from a disability organization or from Ontario's Human Rights Legal Support Centre. For information about OHRT visit: www.sjto.gov.on.ca/hrto

Contact Information:

- Ontario Human Rights Legal Support Centre at:
www.hrlsc.on.ca
 Toll-free: **1-866-625-5179**
 Toll-free TTY: **1-866-612-8627**
 Toronto area: **416-597-4900**
 TTY, Toronto area: **416-597-4903**

- Ontario Information and Privacy Commission at:
www.ipc.on.ca
Toll-free: **1-800-387-0073**
Toronto area: **416-326-3333**
TTY: **416-325-7539**

Professional Regulatory Bodies

- Physicians
- Nursing
- Occupational Therapy
- Speech and Language Pathology and Audiology
- Physiotherapy