

INDIVIDUAL'S RIGHTS – INTRODUCTION

The attached statement of individuals' Rights, had its beginning in March 1995 when a group representing several community agencies and government convened to initially discuss restrictive procedures. The Restrictive Procedures Working Committee members were presented with the following background information at its initial meeting...

The need for guidelines for the use of restrictive procedures has been Evident to the Department (the former Alberta Family and Social Services) for several years and various stakeholders have met to tackle the issue and prepare a document that would be ratified for use by front-line staff involved in Services to Persons with Disabilities in the South Region. The need is pressing. Documents which were referenced throughout the meeting include the Discussion Paper, The Core Standards, Final Report of the 1983 Steering Committee (1984), Charter of Rights and Freedoms, Dependent Adults Act, Individual Protection Act (Alberta), Bill of Rights (March 7, 1995).

As the Restrictive Procedures Working Committee met, it was discovered that identifying what constituted a restrictive procedure was a much larger task than originally thought.

Over time, the committee recognized that it would be difficult to convey to individuals working with individuals with developmental disabilities what constituted a restrictive procedure if it was not also identified what their individual rights entailed (i.e. the right to have privacy, the right to say "no", the right to participate in recreational activities of their choosing, etc.). It is recognized however that if a person has been declared a Dependent Adult (under the Dependent Adults Act), someone else may be appointed to make decisions on their behalf (in consultation with the client if possible).

The following document is the result of four years of discussion as well as several public consultations with those receiving services, guardians, family members, service providers and government staff across the South Region. Although it lists many of the rights that people with developmental disabilities should enjoy, it is recognized that items may have been omitted. This has not been done with intention, but may be a result of the vastness of this topic. We hope that the tone of the overall document would enable service providers to examine situations not listed and determine if the rights of the people they serve have been infringed upon.

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INDIVIDUAL RIGHTS

1. To be treated equally.
2. To have individuality respected.
3. To have choice of food, shelter and clothing.
4. To have freedom of liberty, choice, communication, association, safety and security.
5. To have access to legal representation.
6. To privacy.
7. To vote and hold licenses.
8. To hold office.
9. To give or withhold consent to services.
10. To freedom of thought, belief, opinion, and expression.
11. To access all generic services.
12. To gain meaningful activity consistent with the individual's skills and abilities, aspiration and choice.
13. To have tangible and intangible benefits which result from the individual's chosen activity.
14. To have and raise children.
15. To marry/co-habitate.
16. To have available and receive advocacy support.
17. To have access to information systems.
18. To receive services from a qualified service provider.
19. To be heard.
20. To be supported in the practice of personal beliefs.
21. To direct/participate in planning and goal setting relative to his/her life.
22. To consistency and equity in services and supports.
23. To own and enjoy personal property, and personal belongings.
24. To plan for the future for family, funeral, finances, retirement, health and leisure.
25. To least restrictive methods of intervention.

INDIVIDUAL RIGHTS

1. *Be treated equally.*
 - have the same opportunities and benefits as their peers
 - not be labeled
 - be recognized for their special skills and abilities
 - be treated equally in obtaining employment, housing, and services
 - be treated in a fair way, with respect, and with dignity
 - have rights as all other citizens
 - have the right not to be discriminated against
 - have basic necessities met

2. *Have individuality respected.*
 - have days like everyone else (ie. make mistakes, have a bad day)
 - take risks
 - display emotions
 - have their own standards of living i.e. live as they wish, clean as they wish

3. *Food* –Individuals should have the opportunity to taste and chew their food. They should have access to:
 - nutritious foods i.e. variety of types and preparations
 - junk foods
 - ethnic heritage foods
 - unlimited foods
 - flexibility of meal times
 - choice of dinner companions
 - restaurants.

Shelter:

 - live in the community of choice
 - choose a roommate or not
 - right to living accommodation which is consistent within the community
 - choose to purchase/rent/lease dwellings
 - receive assistance to “protect” life i.e. living conditions above the poverty line
 - report substandard housing
 - receive adequate shelter allowance
 - the freedom to decorate and furnish their homes

Clothing:

 - have access to wear ethnic/religious clothing
 - be able to develop their own fashion and gender styles
 - have access to “club”, “movement”, “counter-culture revolutionary styles” i.e. tattoos
 - have access to seasonal clothing
 - have access to adequate clothing allowance
 - have access to accessories of choice
 - be able to wear the same clothes more than one day

4. *Life:*

Liberty – Incorporates freedom of movement and access to/from:

- key to house/home
- choice of Province to reside in
- free range of bodily motion
- exercise
- choice of neighborhood
- travel/holiday
- free movement within your own dwelling/house

Freedom of choice:

- of bedtime
- nap
- whether or not to attend church
- of friends/companions

Freedom of communication:

- have the necessary support/technology
- cultural differences i.e. verbal and non-verbal
- preferences
- develop and communicate priorities
- task or make requests
- access different mediums i.e. television, radio, stereo, telephone
- communicate with friends
- communicate in private

Freedom of association:

- with whom to consort
 - where to attend school/work/recreation/treatment
- personal time i.e. meditate/relax
- be respected
- retire
- make decisions without undue influence
- access clubs, groups, political parties, religious groups
- access unions
- access lobby groups

Safety and Security:

- from harm, threats, neglect, ridicule, manipulation, intimidation
- from harm: due to behavior of peers/staff
 - due to accidental factors by omission i.e. unsafe living environment, unsafe working conditions, inadequate staffing ratios, no staff development, inadequate equipment, non application of WHMIS

5. *Legal Representation*

- support to access appropriate legal representative
- right to legal advice

6. *Privacy:*
 - confidentiality of information
 - bathroom –unless assistance is needed
 - privacy of personal space and possessions (body, room, locker, clothing, lunch kit, hand bags, accessories, etc.)
 - relationships and friendships
 - telephone conversations – right to make personal calls without supervision
 - sexuality
 - mail – right to send/receive mail
 - business – privacy in banking, safety deposit boxes, selling property, buying property (assets)

7. *Vote and hold Licenses*
 - vote
 - choose a party or candidate
 - attend campaign functions
 - cast votes in any organization
 - request, seek, obtain and use licenses (marriage, fishing)
 - exercise treaty rights i.e. hunting
 - enter into a contract (written or verbal)

Contracts– Definition: Agreement defining responsibilities and relationships

 - the right to express and achieve wishes and needs through contractual agreements (written and verbal) i.e. IPP/ISP

8. *Hold Office* – Membership in organization
 - the right to run for office in an organization
 - the right to hold membership in organizations (subject to law of organization)
 - the right to let name stand for election
 - the right to join an employee association in the work place

9. *Give or withhold consent to service(s)*
 - the right to show or say whether or not the service is desired
 - the right to direct the Guardian in a desirable course of action
 - the right to be informed about an array of supports/activities from which individual chooses
 - be able to say “no” to offered services
 - have decisions respected

10. *Freedom of thought, belief, opinion, expression*
 - express emotions/thoughts/beliefs/opinion
 - have feelings and/or emotions recognized and valued
 - protest
 - speak freely without censorship

11. *Access all generic services*
 - access to public services and facilities i.e. swimming pool, library
 - access services in the community you reside in, instead of having to leave the community to access particular services
 - access to adaptive equipment and technology to enable people with disabilities to have the same opportunity as others in the community do
 - equal and full community participation
 - access and receive Mental Health services
 - access and receive services:
 - (i.e.) Financial benefits
 - Medical benefits
 - Medical/public health services
 - Dental services
 - Service coordination
 - Children's services
 - Senior's services
 - Educational services
 - Employment/Vocational/Training services
 - Residential services
 - Legal assistance
 - Employment related benefits (i.e. CAP, EI, WCB, employee benefit plan)

12. *Gain meaningful activity consistent with the individual's skills and abilities, aspiration and choice*
 - explore employment opportunities, including self employment
 - work or not to work
 - explore activities
 - be recognized for the importance/value of activity various settings of the individual's choice
 - change activities
 - plan to reach chosen level of competency in an activity
 - have individual choice of activity supported/advocated
 - have choices relative to age, interests, goals
 - have information about services/service providers/ employers prior to choosing
 - have sufficient funds and resources to access/purchase the service of choice
 - access services in the community of choice
 - have advocacy assistance to develop needed service
 - have advocacy assistance to access "education" financial entitlements
 - have access to career counseling
 - be able to access ALL generic supports./programs/entitlements at the "conclusion" of a job

13. *Have tangible and intangible benefits which result from the individual's chosen activity*
 - participate in an individual's chosen activity which may result in payment
 - participate in an individual's chosen activity which may not result in payment
 - receive financial benefit from revenue created by activity

- not be exploited by a "care giver" in a personal/professional relationship when an individual's favor derives direct financial savings to the "care giver"
 - chose to volunteer their help to friends
 - pay equity
14. *Have and raise children*
- procreate, adopt, foster children
 - have a selection of alternative choices
15. *Marry/co-habitate*
- have relationship recognized (legal ceremony or common law)
 - have entitlement benefits as a spouse subject to legal regulations
16. *Have available and receive advocacy support*
- Definition of Advocate: "An advocate is an individual who speaks with/for/about the client's issues/concerns"
- have an informed, motivated person to act as advocate
 - accept or reject one individual advocate
 - have an individual speak on his/her behalf
 - empower or restrict the actions of an advocate
 - advocacy support to encourage equality in the areas of service delivery
17. *Access information systems*
- (-FOIP) Freedom of Information and Privacy Act is legislated to ensure access to personal information obtained by the government. Information is available to individuals or their guardians).
- access all printed and electronic media formats
 - view, read and/or hear materials which are available to the public directly or indirectly
18. *Receive services from a qualified service provider*
- assistance to achieve personal goals
 - receive services from qualified staff
 - have input into the hiring process
19. *Be heard*
- have a formal process to present/address abuse, concerns related to dignity, rights and worth
20. *Be supported in the practice of personal beliefs.*
- have regular and unrestricted access to practice religious/creed/beliefs
 - take part in legal activities which do not affect community norms
 - receive personal support and advocacy to practice personal religion, religious/creed beliefs
21. *Direct/participate in planning and goal setting relative to his/her life*
- have skills and needs evaluated
 - have reality based assistance in planning and goal setting
 - dreams/fantasies recognized

-aspirations recognized and explored

22. *Consistency and equity in services and supports*

- level of income sufficient to meet one's day to day needs
- equitable funding systems
- consistent approaches/care by staff

23. *Own and enjoy personal property, personal belongings*

- purchase items of choice
- enjoy purchases in private; to chose with whom to share personal belongings
- dispose of personal property

24. *Future planning*

Family

- choose to have an abortion
- choose to have a vasectomy or tubal ligation/laproscopy
- use contraceptives
- decide size of family i.e. number of children

Funeral

- develop a will
- choose where to be buried or ashes to be placed/remains to be disposed of
- develop a personal directive
- choose to be buried or cremated
- decide about donation of organs/use of body for medical research
- type of services/arrangements, or lack thereof
- include religious elements into service, or not
 - choose beneficiary

Financial – *Advocacy support and education to:*

- open bank accounts
- choose investment options (RRSP, GIC, Pension Plans, Mutual Funds)
- obtain financial advice
- save/spend as per choice
- develop own budget
- choose own financial institution
- have input into the choice of trustee
- manage own money
 - purchase life insurance

Retirement

- choose when, where and with whom to retire
- choose where to retire
- choose retirement activities
- receive retirement counseling

Health & Wellness

- seek medical diagnosis and treatment
- seek second opinions on diagnosis and treatment
- seek assessment

Recreation/ - plan holiday trips

Leisure

- choose hobbies, sports
- use any community-based services available
- have advocacy assistance to join any community-based program/ organization/service/activity

25. *Least restrictive methods of intervention*

- to experience natural consequences when safety and security is not compromised
- to be told/cued vs. being forced
- have interventions based on a legitimate assessment incorporating a holistic view of the individual
- have the causes of the behavior considered and not just the behavior itself
- have alternative choices to his/her behavior
- have approaches received and approved by a multidisciplinary committee and informed consent given by the individual/guardian
- right to say No! to interventions when safety and security is not compromised
- Non-restrictive interventions until those options have been exhausted, and then right to least restrictive interventions

Definition of Least Restrictive: Intervention which infringes the least on a person's rights