



The Fundamental Principle and the Residents' Bill of Rights under the Fixing Long-Term Care Act, 2021

Home: the fundamental principle

- The fundamental principle to be applied in the interpretation of this Act and anything required or permitted under this Act is that a long-term care home is primarily the home of its residents and is to be operated so that it is a place where they may live with dignity and in security, safety and comfort and have their physical, psychological, social, spiritual and cultural needs adequately met

Residents' Bill of Rights

- (1) Every licensee of a long-term care home shall ensure that the following rights of residents are fully respected and promoted:

RIGHT TO BE TREATED WITH RESPECT

- 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
- Every resident has the right to have their lifestyle and choices respected
- Every resident has the right to have their participation in decision-making respected

RIGHT TO FREEDOM FROM ABUSE AND NEGLECT

- Every resident has the right to freedom from abuse
- Every resident has the right to freedom from neglect by the licensee and staff

RIGHT TO AN OPTIMAL QUALITY OF LIFE

- Every resident has the right to communicate in confidence, receive visitors of their choice and consult in private with any person without interference.
- Every resident has the right to form friendships and relationships and to participate in the life of the long-term care home
- Every resident has the right to share a room with another resident according to their mutual wishes, if appropriate accommodation is available.
- Every resident has the right to meet privately with their spouse or another person in a room that assures privacy.
- 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.
- Every resident has the right to live in a safe and clean environment

- 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.
- 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.
- Every resident has the right to manage their own financial affairs unless the resident lacks the legal capacity to do so.
- Every resident has the right to exercise the rights of a citizen.

RIGHT TO QUALITY CARE AND SELF-DETERMINATION

- Every resident has the right to proper accommodation, nutrition, care and services consistent with their needs.
- Every resident has the right to be told both who is responsible for and who is providing the resident's direct care.
- Every resident has the right to be afforded privacy in treatment and in caring for their personal needs.
- Every resident has the right to:
 - participate fully in the development, implementation, review and revision of their plan of care,
 - 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,
 - 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
 - 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.
- 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
- 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.
- 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.
- 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.
- 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.

- Every resident has the right to be provided with care and services based on a palliative care philosophy.
- 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

- 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
- Every resident has the right to participate in the Residents' Council.
- 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:
 - the Residents' Council
 - the Family Council
 - 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.
 - staff members.
 - government officials.
 - any other person inside or outside the long-term care home

Further guide to interpretation

(2) Without restricting the generality of the fundamental principle, the following are to be interpreted so as to advance the objective that a resident's rights set out in subsection (1) are respected.

- This Act and the regulations.
- Any agreement entered into between a licensee and the Crown or an agent of the Crown.
- Any agreement entered into between a licensee and a resident or the resident's substitute decision-maker

Enforcement by the resident

(3) A resident may enforce the Residents' Bill of Rights against the licensee as though the resident and the licensee had entered into a contract under which the licensee had agreed to fully respect and promote all of the rights set out in the Residents' Bill of Rights.

Regulations

(4) The Lieutenant Governor in Council may make regulations governing how rights set out in the Residents' Bill of Rights shall be respected and promoted by the licensee.