

Making My Rights Real In Ontario's Developmental Services

Context: Members from the community of people who use developmental services have told ARCH Disability Law Centre ("ARCH") that current laws and complaint mechanisms do not address the concerns they have about their rights as developmental service users.

What Is The Proposed Bill Of Rights?

- A list of rights held by people who use developmental services that ARCH is proposing should be incorporated into existing law, and written into the *The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act*.

Why Do People Using Developmental Services Need A Separate Bill Of Rights?

- Legislation such as Ontario's *Human Rights Code*, and the *Canadian Charter of Rights and Freedoms*, may not adequately deal with the uniqueness of the relationships that exist within the receipt of developmental services.
- While an individual service provider will often place importance on developing their own internal complaints policies, the Bill of Rights proposed by ARCH will better serve both service providers and service users due to its neutrality, and also in ensuring Ontario-wide consistency in the expectations for service providers.
- The rights proposed will allow for service users to be independent, and participate more fully in their communities. It will also allow for service users to make their own choices, or where a person isn't legally capable to make a specific decision, to participate in the decision making process.

What Kinds of Rights Are Proposed?

- The right to make personal decisions about such things as appearance.
- The right to be made aware of community supports and activities, and the choice to access and participate in them.
- The right to personal privacy, including the right for people to contact the people they choose.
- The right to have accessible services in line with a person's language, culture, ethnicity, religion, and gender, and the right to complain when rights are not respected without fear of punishment.

How Would These Rights Be Enforced?

ARCH's proposal includes the following:

Implementing a New Complaints Mechanism

- People who use developmental services will be able to make complaints to the Ministry of Community and Social Services if their rights, as found in the Bill of Rights, are not respected.

- If the Ministry determines that the complaint deals with an issue related to the Bill of Rights, it will assist the service user and the service provider to try and resolve the complaint.
- While individual service providers often have their own complain mechanisms, it is ARCH's position that a separate complaints mechanism will allow for more transparency and neutrality, and will also ease the burden on service providers to participate in exhaustive self-investigations.

Creating a Provincial Advocacy Office

- This new publicly funded office will have a province-wide office purview, and an advocacy mandate specific to service users. It will operate independently from both the Ministry of Community and Social Services, and service providers. It will serve to provide any needed supports or assistance to service users making complaints, and will also provide education about the complaints process.
- The provincial advocacy office will also monitor complaints, and investigate systemic issues that are brought to its attention. Any resulting reports on findings and recommendations will serve to improve existing practices, and increase the public's confidence in service providers.

Why Would The Bill of Rights Be Beneficial To Service Providers?

It is ARCH's belief that the Bill of Rights will:

- Reinforce the importance of being a responsible developmental services provider, and build up service user confidence in the developmental services system, by making it easy for people who use developmental services to be involved in their own services in a way that promotes community inclusion.
- Assist service providers in fulfilling their obligations under *The Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act*, and promotes the Act's intent of having services and supports delivered in a fair and flexible way to address people's needs.
- Emphasize the importance of developmental services users' role in improving developmental services, thereby allowing for a better functioning delivery of services.
- Promote more inclusive collaboration with families, and better reflect the mandates of service providers to support people making choices.

To read more about how ARCH is making rights real, please visit us at:

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