

Individuality of the Person

Chapter 11 & 12



Introduction

Students are introduced to the concept of individuality of all persons, their experiences, rights, interests and needs.

Objectives

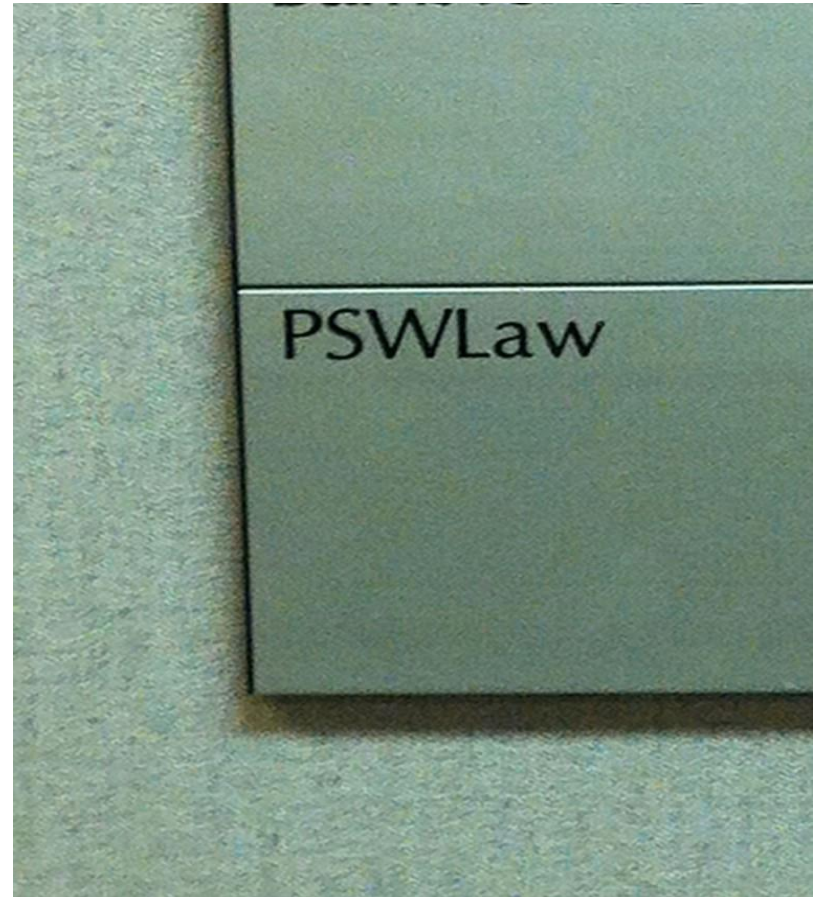
- Explain the basic rights protected by the Canadian Charter of Rights and Freedoms and the provincial and territorial human rights codes
- Describe client's rights
- Identify ways you can respect your client's rights
- Describe the difference between criminal law and vic law
- Describe how negligence, defamation, assault, battery, false imprisonment, and invasion of privacy apply to your job
- Define electronic and describe how confidentiality can be maintained electronically
- List the types of legislation that address support workers' rights and duties
- Apply the information in this chapter to your clinical practice properly

Legislation: The Client's Rights and Your Rights



Legislation

Basic understanding of the clients rights and the workers rights and the legal responsibilities



Ethics VS legislations

- **Ethics**- concerned with what you should or should not do
- **Legislation**- body of laws that govern the behaviour of a country's residents. Protects client's rights. Ensure clients receive safe and skillful care and enjoy privacy.

What is the foundation of good client-worker relationship



- Code of ethics
- Employers policies
- Federal and provincial or territorial laws



Define Right?



A right

- Justly entitled to a person.
- The entitlement of a person(s) to something.
Sense of being fair.
- Legal rights based on rules and principles
- *right to vote, right to receive medical care, right to own property and to receive fair treatment against crime.*



Charter of Rights and Freedoms

*Created in 1982, the Charter of Rights and Freedoms **outlines the basic human rights of Canadians**, which are protected by law.*

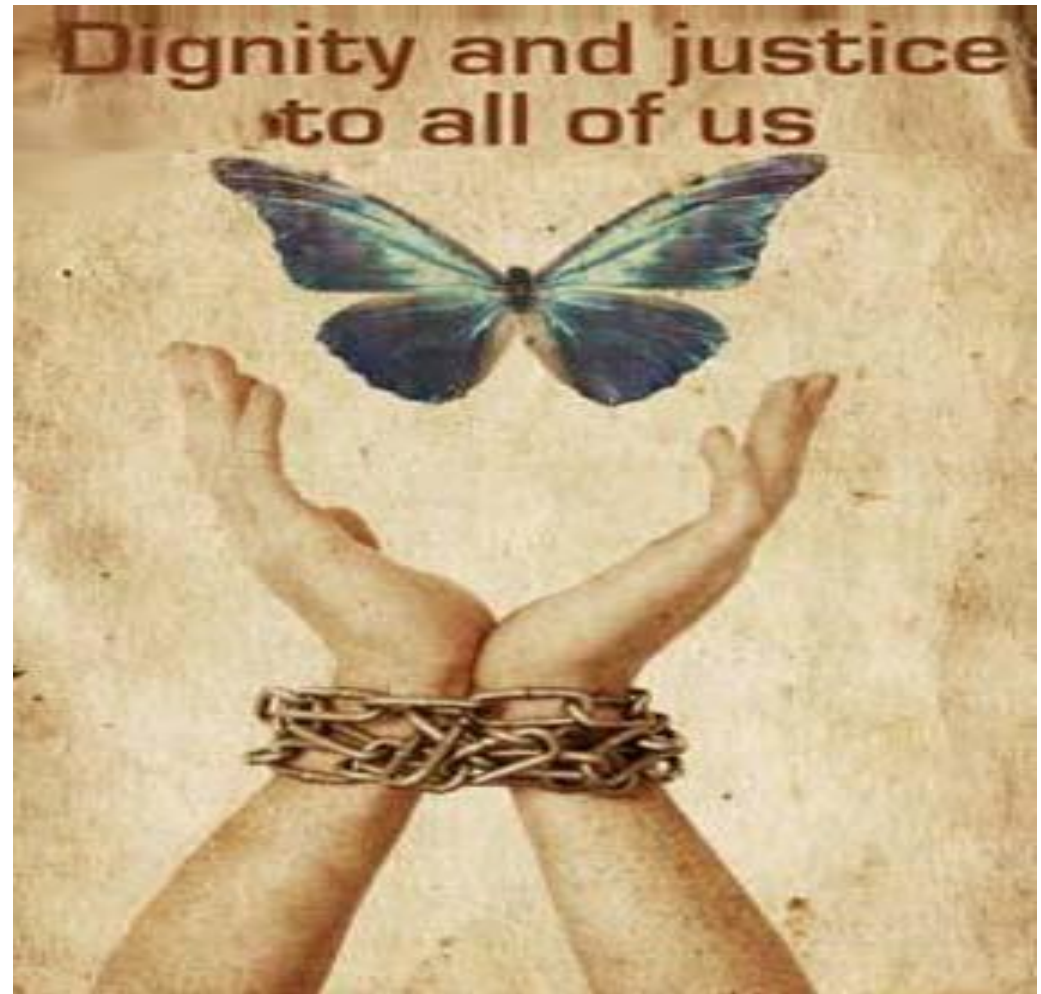
- Respect for All
- Everyone must respect the basic human rights of others, incl. gov't, police, the courts, etc.
- Fundamental Freedoms
- Everyone in Canada has the following:
 - Freedom of conscience and religion
 - Freedom of thought, belief, expression
 - Freedom of peaceful assembly
 - Freedom of association

Guaranteed Rights and Freedoms

- **Fundamental Freedoms** - Incl. Rights to: freedom of thought, religion
- **Equality Rights** - equal treatment before and under law
- **Democratic Rights** - rights to vote, run for office, etc.
- **Mobility** - right to move anywhere in Canada, enter and leave Canada
- **Legal Rights** - protect us in dealing with justice system, treated fairly
- **Language Rights** - set English and French as official languages

Basic Rights of People Receiving Health Services

- aboriginal rights
- Age discrimination
- Disability
- Employment
- Gender identity
- Housing
- Pregnancy and breastfeeding
- Racism
- Religious rights
- Sexual harassment
- Sexual orientation

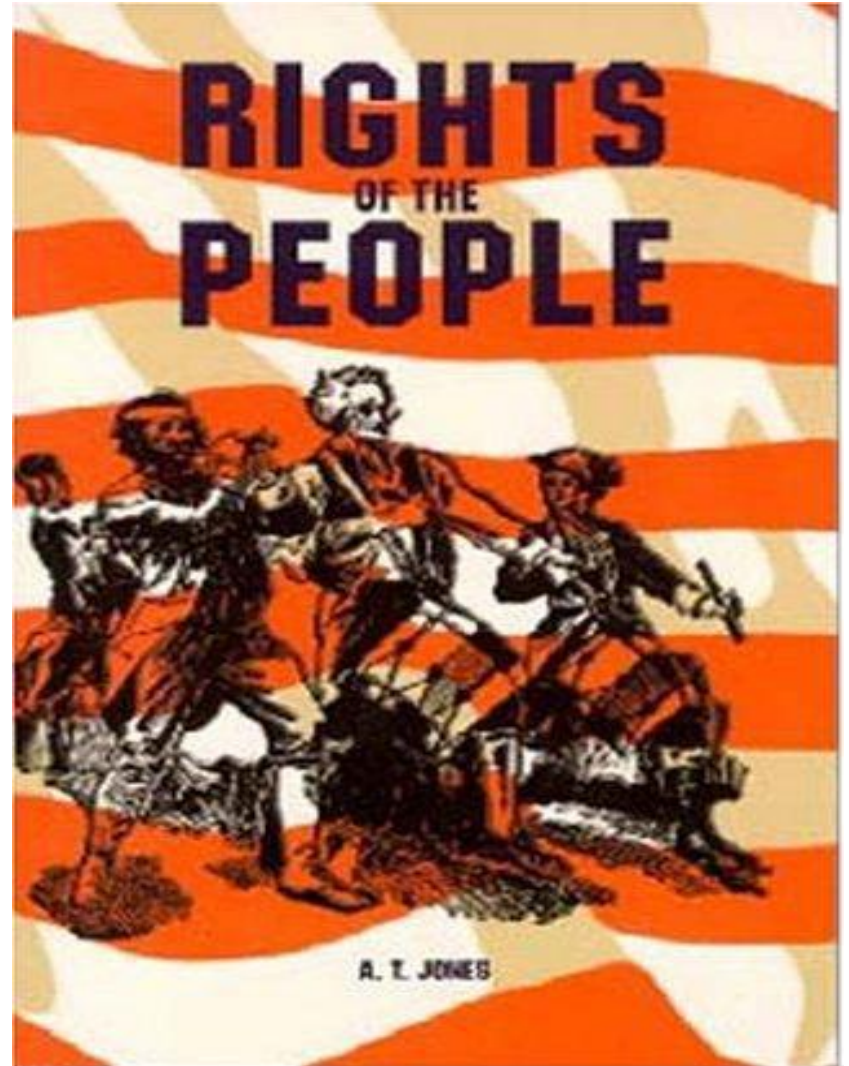


What are the Resident's Bill of Rights?



Client's Bill of Rights

- The right to be treated with dignity and respect
- The right to privacy and confidentiality
- The right to give or withhold informed consent
- The right to autonomy



Respecting the client's right to dignity

- Make eye contact and listen attentively
- Respect cultural differences
- Be patient
- Never yell, scold, embarrass, laugh or sarcastic
- Respect the client's belongings and property
- Tell your supervisor about the client's complaints or concerns about the agency, facility or services
- Reinforce the client's independence
- Assist the client with personal care.

PRIVACY

DIGNITY

RESPECT

BE26EC1

DIGNITY

PRIVACY

Respecting the Clients Right to Privacy

- Knock on the client's door
- Ask others to leave before giving care
- Close the door and use curtains when providing personal care or activities
- Cover the client properly.
- Close the bathroom door when client is using it.
- Do not open or read the client's mail or personal documents
- Do not pry into client's private life or ask for personal information
- Keep all personal and health care information about the client confidential
- Do not discuss a client with family, friends, or the clients family



Providing Autonomy

- Allow client to choose activities, schedule and care based in personal preferences.
- They are free to form friendships and receive visitors inside and outside the facility,
- Right to share room with their spouse or partner.
- Right to manage own financial affairs and receive an accounting of transactions done on their behalf.



What is Consent



Consent

- **Consent** refers to the provision of approval or agreement, particularly and especially after thoughtful consideration



Types of consent

- **Implied consent**- is not expressly granted by a person, but rather inferred from a person's actions.
- **Expressed consent** may be in verbal, nonverbal or written form and is clearly and unmistakably stated.
- **Unanimous consent** -, or general consent, is a parliamentary procedure.



Consent to Treatment Act

- What – is being done
- Why – it is being done
- Who – will be doing it
- How – it will be done
- End – results expected
- Other – treatment options available
- Effects – of not having the treatment



What is Advanced Care Directives?



Advanced directives

- Legal documents
- Allow clients to convey decisions about their own end-of-life care
- Signed ahead of time
- Done in consultation with the client and next of kin
- as a way for the client to communicate his or her wishes to family friends and health care professionals and intended to avoid confusions later on when the patient is less cognitively aware of his surroundings

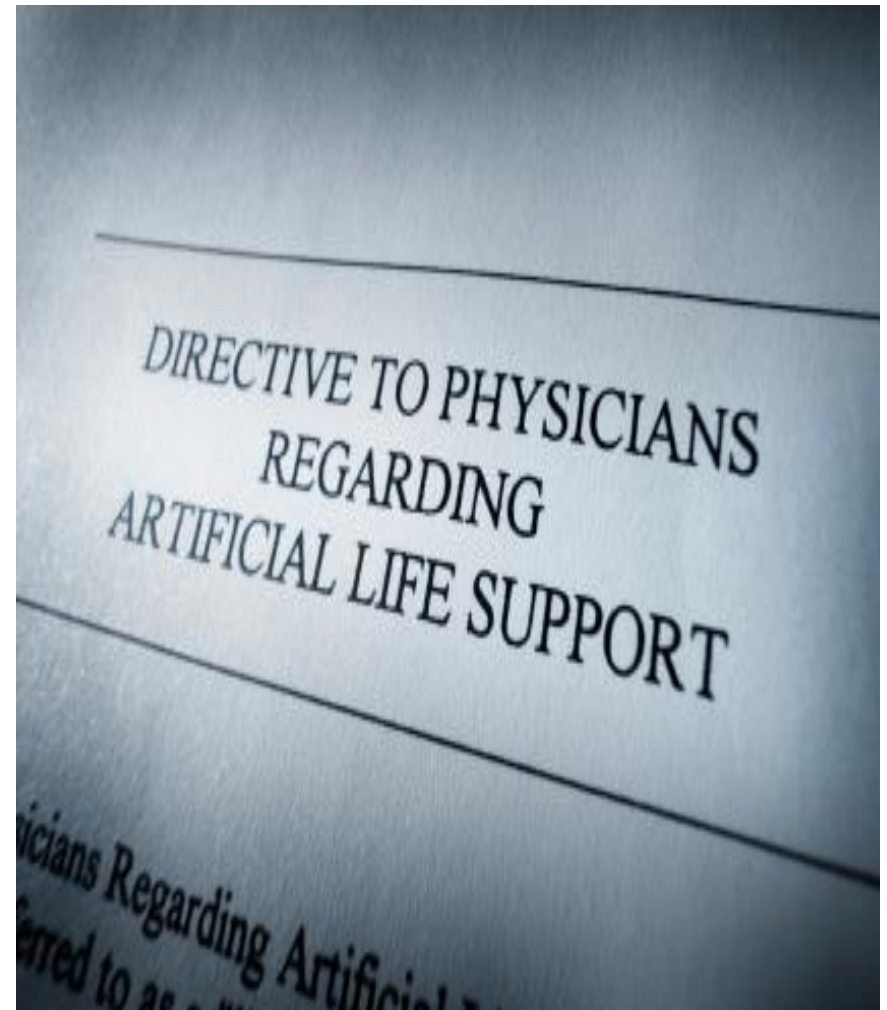


What is a Living Will?



Living Will

- A statement whether or not a person accept or refuse medical care when the time times.
- Not legally enforceable
- There are many issues that living will address, such as:
- The use of dialysis and breathing machines
- Resuscitation if breathing or heartbeat stops
- Tube feeding
- Organ and tissue donation



What is a Substitute Decision Maker?



- Ontario law does not ensure there will be a substitute decision-maker to make all your personal care decisions for you unless you appoint a substitute decision-maker through a Power of Attorney for Personal Care.
- However, the law does make sure that there will always be a substitute decision-maker to make some health decisions for you, but this includes decisions only about:
 - your health care, (e.g. treatments)
 - your admission to a long-term care facility, and
 - the personal assistance services you will receive in a long-term care facility.



Two types of substitute decision makers for personal care

- A power of attorney or personal care
- Court appointed guardian or property



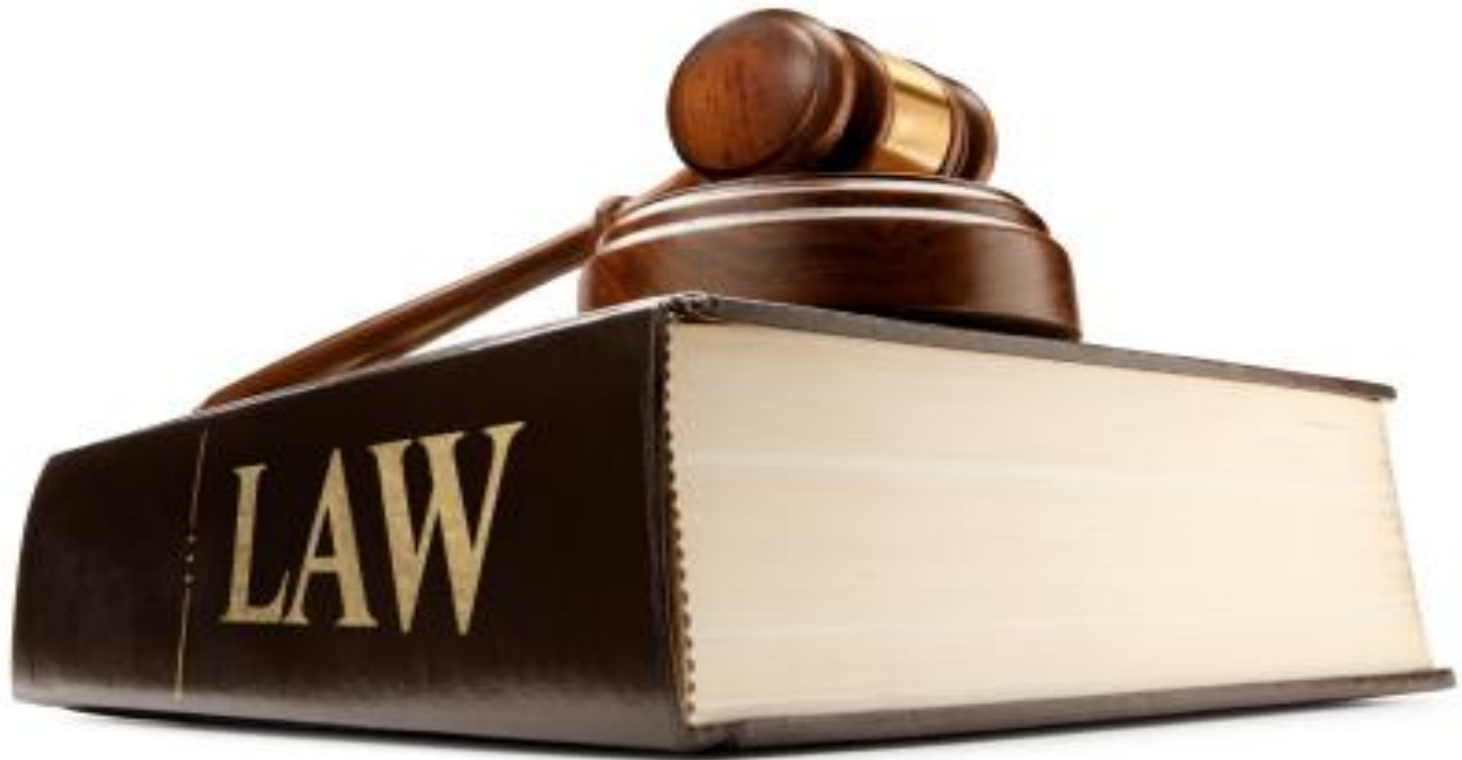
Three types of substitute decision makers for property



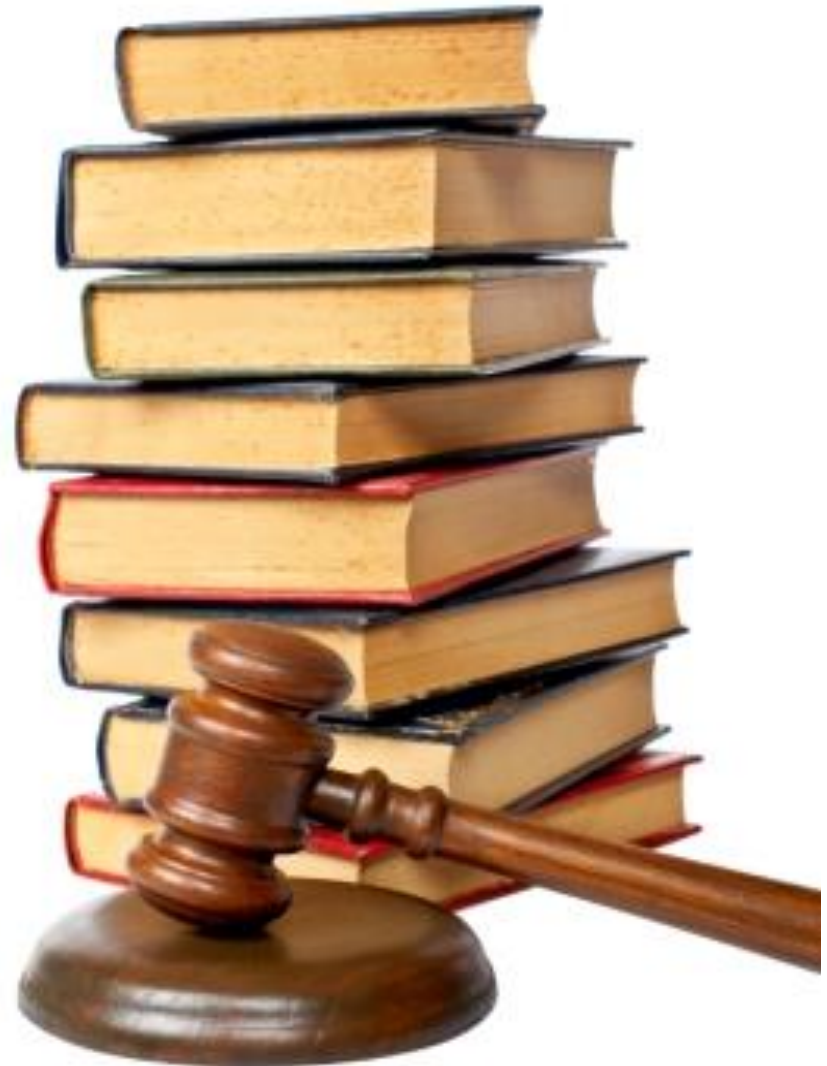
- A continuing power of attorney
- Statutory guardian of property
- Court appointed guardian of property



Understanding Legal Issues



- Liable - being legally responsible for the violation committed
- Crime- a violation of criminal law
- Civil laws – deal with relationships between people
- Tort – wrongful act committed by an individual against another person or the person's property.



What is Negligence



- Occurs when you fail to act in a careful or competent manner and thereby harm the client of damage property



Causes of Negligence

- Not performing a task or procedure correctly
- Performing a task or procedure that you are not qualified to do
- Making a mistake due to carelessness that causes harm to a client



Assault and Battery



- May result in both civil and criminal charges
- Assault – is intentional attempting or threatening to touch a client's body without the client's consent.
- Battery – is the actual touching of a client's body without the client's consent,



- If a support worker performs duties that are beyond the scope of his or her practice, and these duties were never delegated and taught by the registered staff, the support worker is actually assaulting the client. It is the responsibility of the support worker to understand the responsibilities within his or her role and to safely act within these boundaries.



False Imprisonment



- Is the unlawful restraint or restrictions on a client's freedom of movement



Invasion of Privacy

BIG BROTHER



**IS WATCHING
YOU**

Every client has the right not to have his or her name photograph, private affairs, health information, or any personal information exposed or make public without having given consent. Violating this right is an invasion of privacy.



Defamation of Character



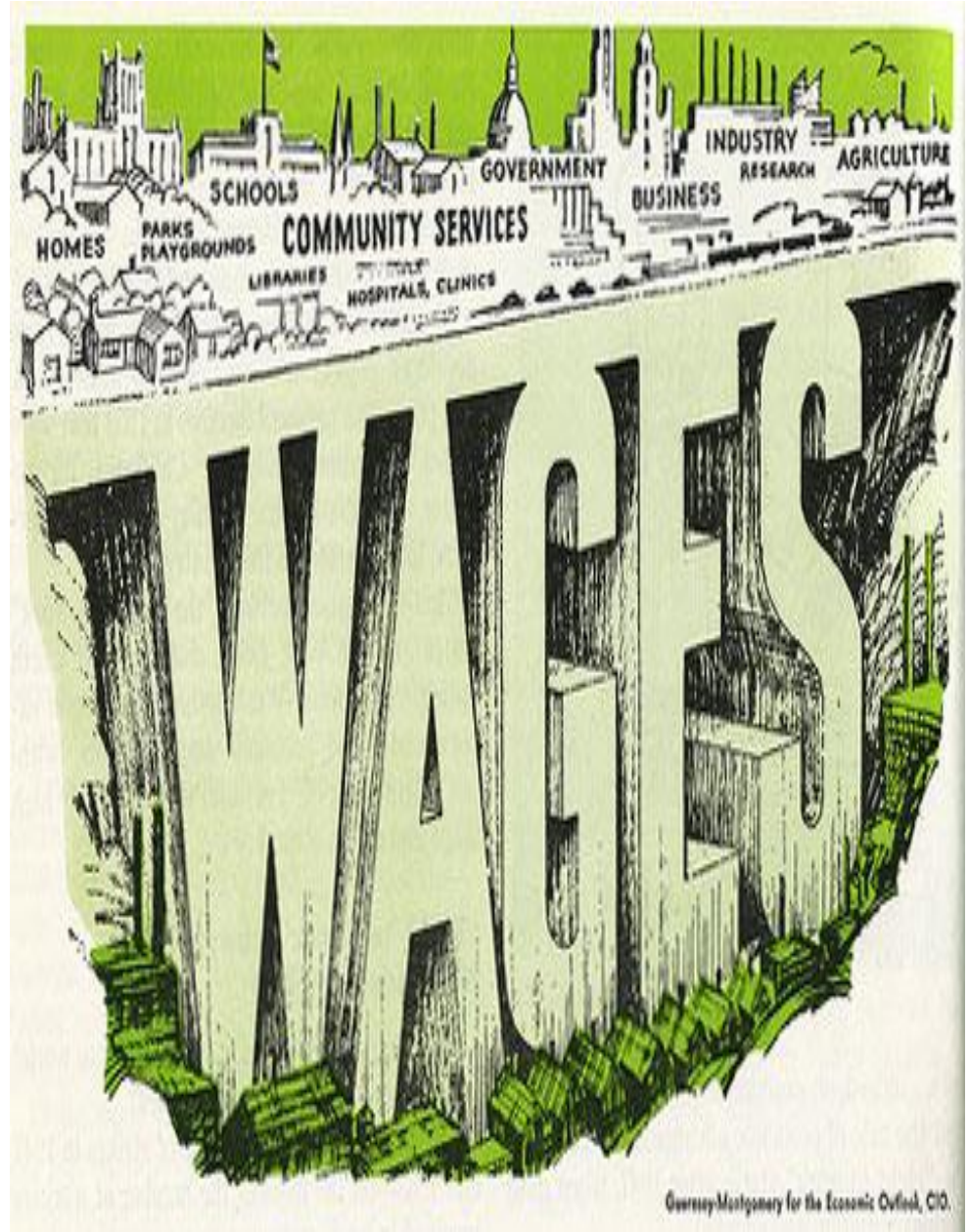
- Defamation – is injuring the name and reputation of client by making false statements to a third person
- Libel - is making false statements in print, writing or through pictures or drawings.
- Slander – is making false statements orally



Your Legal Rights as a Support Worker



- Fair wages
- Fair and safe environment



Workers Legislations

Human rights legislation

Occupational health and safety legislation

Employment standards and legislations

Labor relations legislations

Workers' compensation legislation

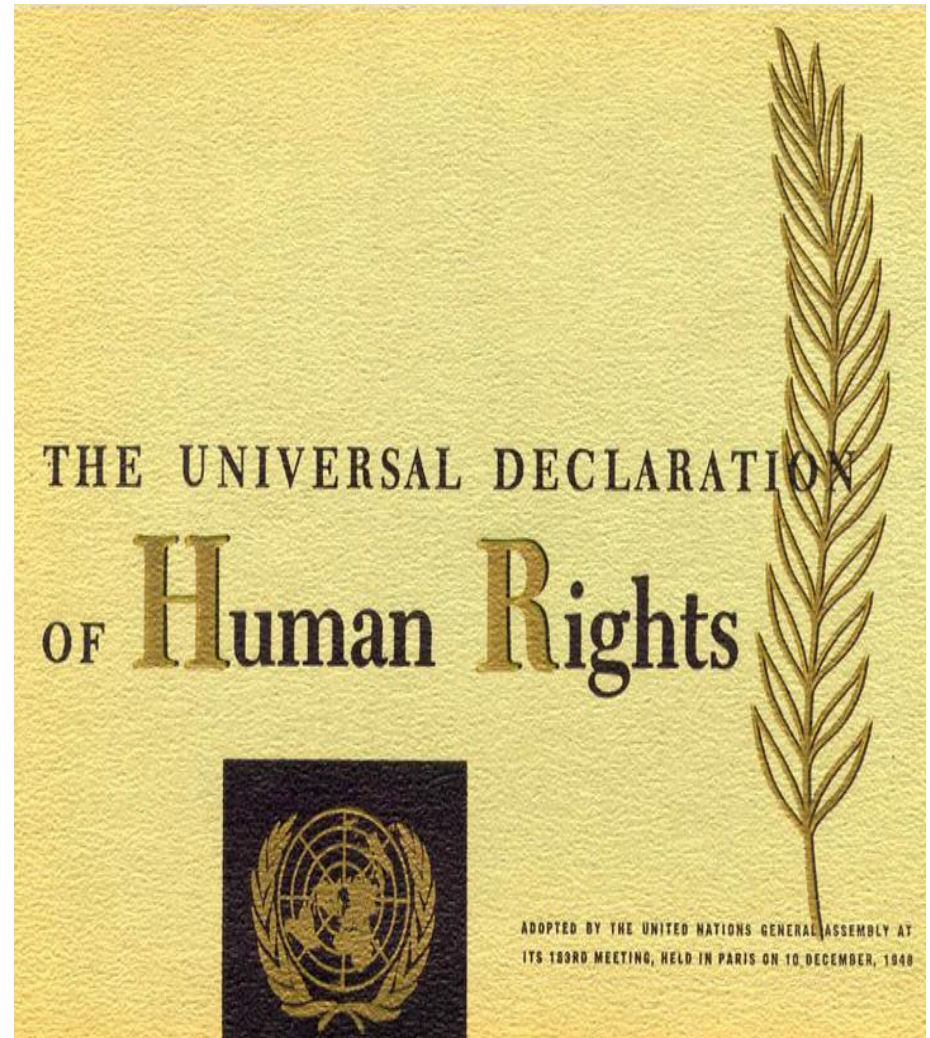
Long-term care facilities legislation

Community service legislation



Human rights legislation

- Protect workers' basic human right.



Occupational health and safety legislation

- Outlines the rights and responsibilities of workers, employers, and supervisors in creating and maintaining a safe work environment.



Employment standards and legislations

- Covers basic rules about issues such as minimum wage, how wages are paid, how many hours of work per day and per week are acceptable.



Labor relations Legislation

- Negotiate wages and other issues with the employer on all union members' behalf.
- Sets out rule for collective bargaining
- Identified unfair labor and employee conduct



Workers' compensation legislation

- Financially compensation for accidental injuries on the job
- Discusses worker and employer rights when an injury occurs



Long-term care facilities legislation

- Address the basic rights of residents and describe requirements for how the facility is operated.



Community services legislations

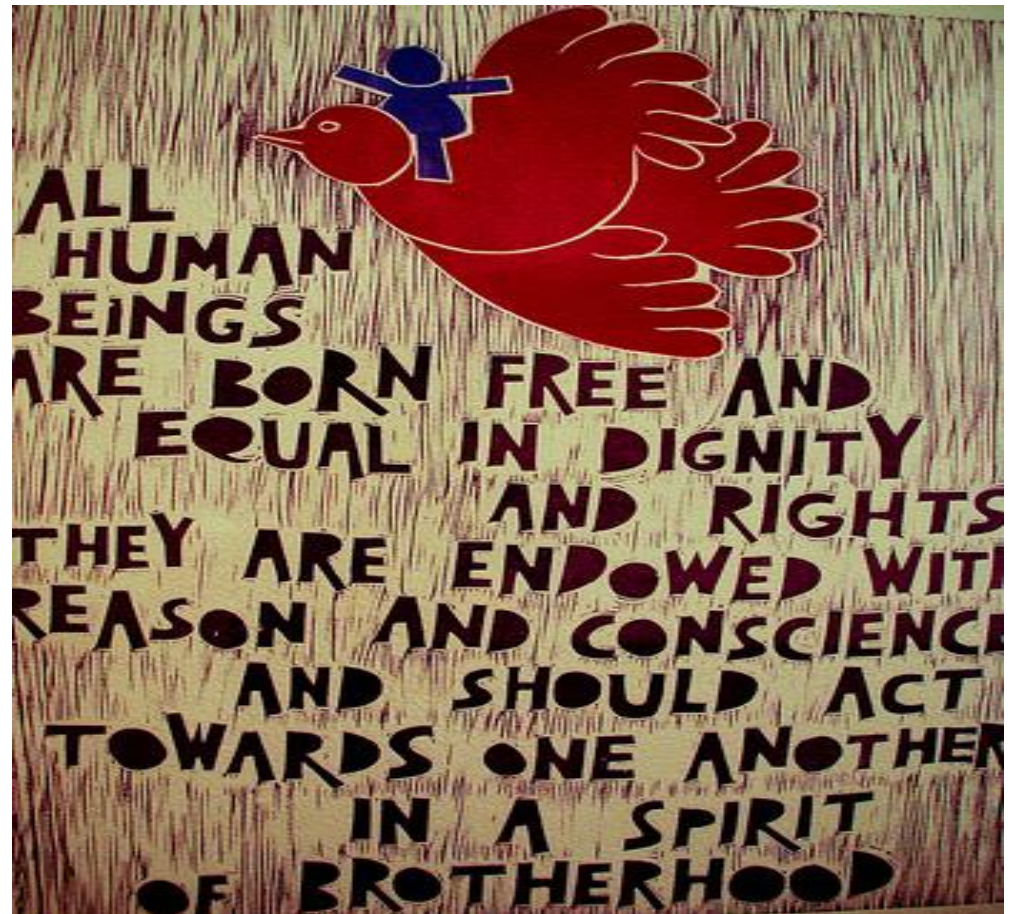
- Sets out the rules and procedures for accessing and providing community services.



Principles of Respecting Human Rights and Human Individuality



- Self determination
- Harrassment
- Vexatious
- Complaint
- Allegations
- Discrimination
- Gender



Principles of Respecting Human Rights and Human Individuality

1. **Self-Determination**

The client has the right to decide to choose or to refuse in all aspects of their care

2. **Harassment**

Engaging in a course of inappropriate comment or conduct that is known or ought to be known are unwelcome

3. **Vexatious**

A series of inappropriate comments and/or conduct that is bothersome and/or irritating and/or threatening and/or demeaning or an annoyance to someone else.

4. **Complaint**

A statement of displeasure, grievance, pain or discomfort

5. Allegations

To declare or cite as to be true certain situations or opinions yet to be confirmed or denied.

6. Discrimination

Differentiate because of race, ancestry, place of origin, colour, ethnic origin, religion, citizenship, creed, sex, sexual orientation, age, marital status, family status, handicap or a person in receipt of public assistance.

7. Gender

A cluster of social characteristics that are attributed to the classification of either the male or female sex. Based on stereotypes about what constitutes femaleness or maleness gender, discrimination can and does take many forms in our society.

Relevant Human Rights Provisions

Acting with

dignity

and respect

- Right to equal treatment with respect to goods and services
- Right to occupancy of accommodation without discrimination
- Right to freedom from harassment by the landlord or agent of the landlord
- Right to contract on equal terms without discrimination because of race, ancestry, colour etc.
- Right to equal treatment with respect to employment without discrimination
- Right to equal treatment with respect to membership in any trade union, occupational association etc...



- Right to freedom from harassment in the workplace because of gender
- Every person has the right to be free from sexual solicitation; a reprisal or threat for the rejection of a sexual solicitation
- Everyone has the right to claim and enforce his or her rights under this Act, to institute and to participate in proceedings under the Human Rights Code



What is Sexual Harassment?




Sexual Harassment/ Inappropriate Gender-Related Comments

- Physical characteristics or mannerisms
- Unwelcome physical contact
- Suggestive or offensive remarks or innuendoes about members of a specific gender
- Propositions of physical intimacy
- Gender-related verbal abuse, treats or taunting
- Leering or inappropriate staring



- Bragging about sexual powers
- Demands for dates and sexual favours
- Offensive jokes or comments of a sexual nature about an employee, client or tenant
- Displaying sexually offensive pictures, graffiti or screen savers or other materials.



A man with a beard and mustache is wearing a blonde wig, a pink tutu, and a pink leotard. He has his arms outstretched and a serious expression. The background is white.

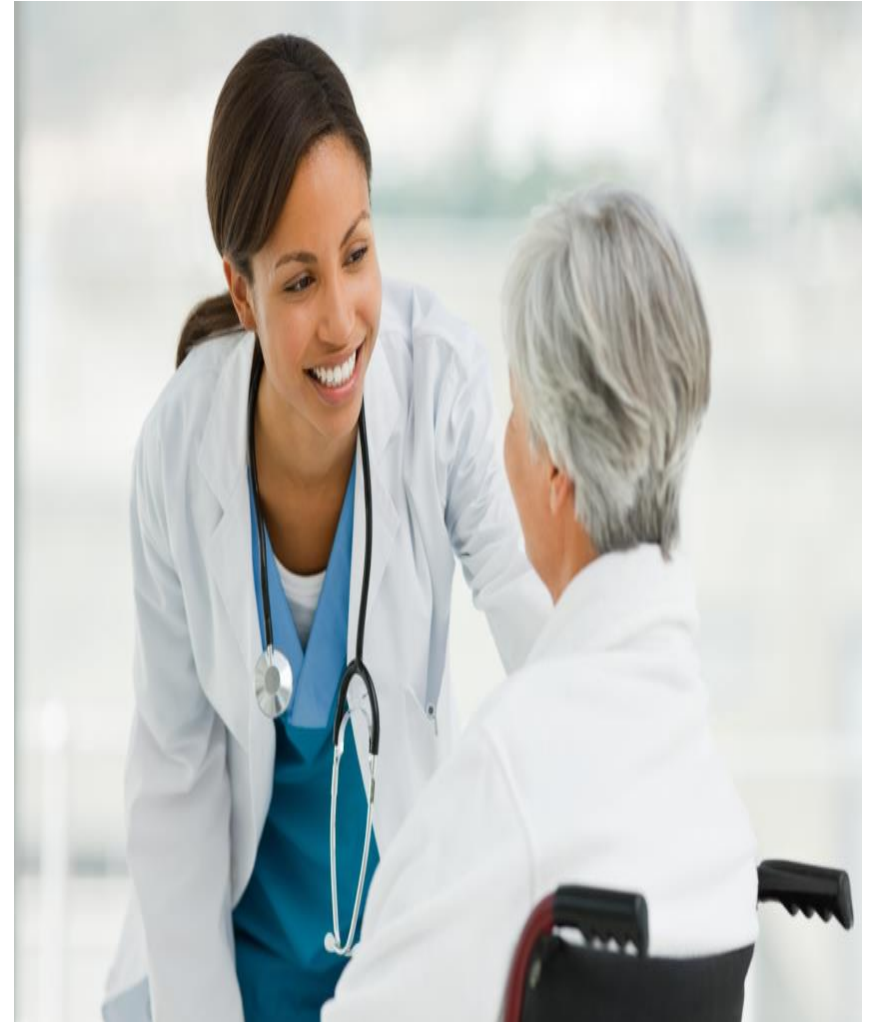
*"Sexual Harassment
is never pretty."*

*"Stop it, before it
gets ugly."*

Maintaining the Balance of Power (between the PSW and the Client)



- Respect the client's right to have and communicate an opinion
- Maintain a calm and relaxed demeanor in both conduct and conversation
- Be open minded (listening)
- Respect cultural, religious and family backgrounds
- Recognize that life experiences will vary, therefore so will client reactions
- Recognize the adjustment to illness, pain and/or separation



Self-Esteem

- Self-Esteem often develops when people feel their lives have meaning for themselves and others.
- Self-Esteem is also closely associated with independence.
- Clients who have lost their independence need to find ways to rebuild their self-esteem
- May become frustrated or depressed if unable
- Want to help them find a new purpose in life
- offer encouragement and praising client's successes
- recognize efforts made if not yet successful, "I can see how hard you are trying"

Balance of Power

- In any relationship where one person is dependent on the other, the stronger person may abuse the dependent person. Be aware of the balance of power and avoid controlling behaviour.
- Instead of imposing your will, involve them in problem solving
- i.e. explain to Mrs. Kerr that her time is limited and together they may find a solution.
- Lynn might have suggested they take turns to do the buttons.
- Suggest that she carry on with doing other tasks, like tidying the room while Mrs. Kerr dresses herself.

Maintaining the Balance of Power

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- Be open minded (listening)
- Respect cultural, religious and family backgrounds
- Recognize that life experiences will vary, therefore, so will client reactions
- Recognize that adjustment to illness, pain and/or separation is a difficult human process and related reactions and behaviours will have to be managed in a positive and professional manner

Diversity

- **Diversity:** State of different individuals and cultures co-existing
- **Ethnicity:** Refers to groups of people who share a common history, language, geography, national origin, religion, or identity
- **Culture:** Refers to the characteristics of a group of people- the language, values, beliefs, habits, ways of life- that are shared or perhaps even passed from one generation to the next.

Culture

- Makes a society distinctive
- Characteristics of a group of people
- Language
- Beliefs
- Habits
- Ways of life
- Music
- Traditions

Prejudice and discrimination

- **Prejudice**(Prejudge): An attitude towards or an opinion of a person based on her membership in a group. Leads to discrimination.
- **Bias:** Occurs when one person's opinion prevents him from impartially judging the issues relating to what ever is considered

- **Stereotyping:** Overly simple or exaggerated view of a group of people
- **Discrimination:** Unfair treatment of people on the basis of their physical characteristics, health history, or group of membership.

Types of Families

- Nuclear Families
- Single Parent Families
- Blended Families
- Same Sex Families

Effect of Culture

On Religion:

- Respect client's beliefs, practices and religious symbols and items. Never try to convert your client

On Health Care and Illness

- Observe use of alternative remedies. May interfere on your client's medical treatment
- On Communication- may use interpreter
- Body Language –gesture, posture and facial expressions
- Touch- convey comfort, caring trust, concern
- Personal Space

Effect of Culture

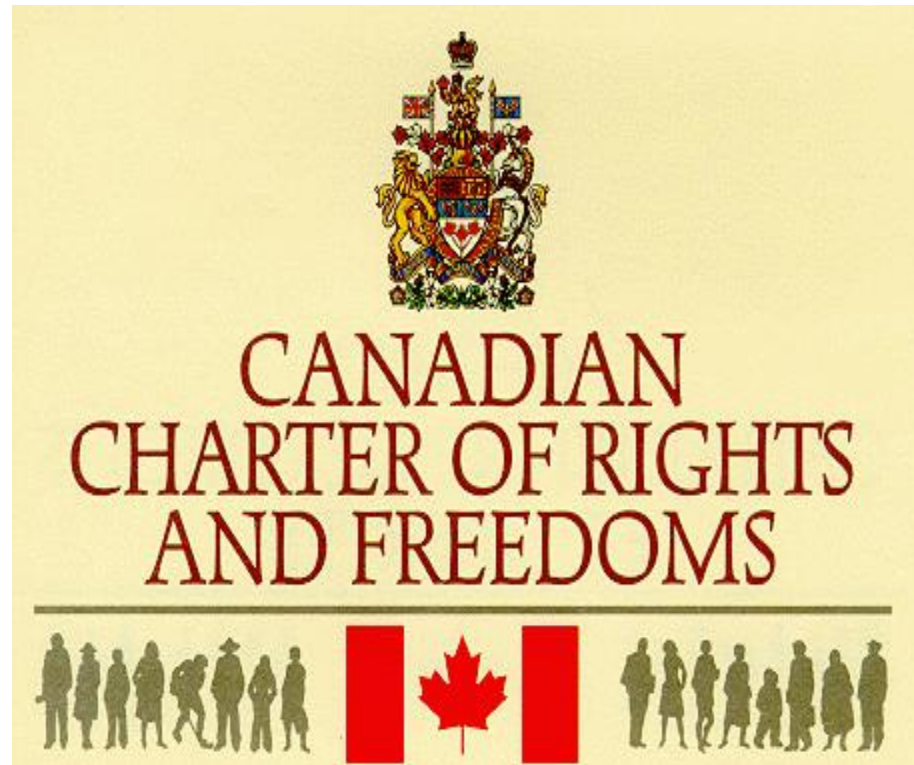
- A person's culture affects how he or she deals with family and social organization, religion and worship, health practices and reactions to illness and communication
- It is important that support workers care for all clients in a non-judgemental and supportive way

Communication

- Eye contact:
- Facial Expression
- Silence

- Feeling of intolerance
- Sexism:
- Homophobia:
- Ageism:

Canadian Charter of Rights and Freedoms



Rights and Freedoms in Canada

The Canadian Charter of Rights and freedoms guarantee the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.



What are the Fundamental Freedoms?



Constitution Act 1982



- Sets out a Canadian Charter of Rights and Freedoms that establishes for all Canadian protection of certain basic rights and freedoms essential to maintaining our free, democratic society and united country.



Human Rights Code Statutes of Ontario 1990 Chapter H 19



Freedom from Discrimination

- Fair and non-prejudicial treatment
- Establishes boundaries that demonstrate respect, professionalism and cohesiveness
- Define that those in positions of power should establish professional working practices
- Refrain from establishing preferences pools of people and engaging in unprofessional conduct or conversation
- Provides complain procedure for those with issues around discrimination and harassment
- Encourage the workplace to have human rights policy and complaints procedure in plac



Healthcare Structure in Ontario

- Federal Government
- Ministry of Health
- Local Health Integration Networks (LHINs)
- Hospitals
- Long-Term Care Facilities
- Community Care Access Centre (CCAC)

What is long term care

- Visiting health and support services
- Support services to enable people with disabilities
- Offers variety of services that help frail elderly
- Has facility-based care

Community-based services

- Provide quality visiting health services at home and in school
- Assist elderly people and person with physical disabilities to live independently

Home health and Support Services

- Recuperate comfortably at home
- Live independently
- Receive important health services at home

What is CCAC

- Community Care Access Centres coordinate access to homemaking, nursing, therapy and other services for people living at home, as well as providing long-term care centre placement and vital information about the services and support available in each community.

Question

- Which is not an example of how to treat a client with respect and dignity?
 - a. Assuming that the client needs your help before he or she asks
 - b. Listening attentively
 - c. Encouraging the client's independence
 - d. Being careful with the client's personal possessions

Question

- Mr. M's photograph is made public without his consent this is
 - A. Battery
 - B. Unintentional tort
 - C. Invasion of privacy
 - D. Libel

Question

- The basic rules about wages, work hours, and vacation days are covered in
 - A. Labor relations legislation
 - B. Workers' compensation legislation
 - C. Employment standards legislation
 - D. Regulated health profession legislation