

Advocating for Yourself



**Created By Self Help Alliance
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Table of Contents

Table of Contents 1

Introduction 3

A Way to Look at Self Advocacy 4

Part 1—What is Self Advocacy? 5

Advocacy Defined 5

Self Advocacy Is 5

Why Believing In Yourself Is Important 5

Reasons To Take Charge of Your Situation and Become a Self Advocate 6

Your Roles in Self Advocacy 6

Helping yourself: Tips for Effective Self Advocacy 7

Why You May Not Want to Advocate for Yourself (Learned Helplessness) 8

Benefits of Self Advocacy 9

Part 2—What are Your Rights? 10

Federal & Provincial Rights 11

1. Human Rights 11

The Canadian Charter of Rights and Freedoms 11

Ontario Human Rights Code 11

Accessibility for Ontarions with Disabilities Act (AODA) 12

The Human Rights Tribunal of Ontario 13

Human Rights Commission (OHRC) 13

Human Rights Legal Support Centre 13

Ontario Community Legal Clinics 13

Ontario Legal Aid 14

Sexual harassment 14

2. Housing Rights 15

Residential Tenancies Act (RTA) 15

The Landlord and Tenant Board (Board) 15

3. Income Rights 19

- The Canada Pension Plan Disability Benefit (CPP-D) 19
- The Ontario Disability Support Program (ODSP) 19
- Ontario Works (OW) 20
- Employment Insurance (EI) 20

4. Employment Rights 21

- The Canadian Human Rights Act (CHRA) 21
- The Employment Standards Act (ESA) 22
- Workplace Safety & Insurance Board (WSIB) 23

5. Health Rights 23

- The Canada Health Act 23
- The Ontario Mental Health Act (OMHA) 24
- The Health Care Consent Act (HCCA) 26
- The Substitute Decisions Act (SDA) 28

6. Consumer Rights 29

- The Consumer Protection Act 29
- Ombudsman of Ontario 31

7. Privacy Rights 32

- Personal Information Protection and Electronic Documents Act (PIPEDA) 32
- Federal Information Privacy Protection Act (FIPPA) 32
- Provincial Health Information Privacy Protection Act (PHIPPA) 32

8. Child Welfare Rights 33

Part 3—Effective Complaining 35

- Negotiation Skills 35
- Communicating Effectively 36
- Problem Solving & Decision-making Skills 37
- The Realities of Dealing with Agency Staff 39
- Limitations & Barriers 39
- Conflict Management 40
 - Steps to Manage Conflict 41
 - Styles of Conflict Management 41
 - Whose Interest? 42
 - Power 42

Part 4—Resources 44

Sources Used 45

Introduction

Recovery is a process, a journey designed by the individual.



This manual is written for you to take an active part in your recovery by learning how to advocate for yourself. You **can** be an advocate for yourself, and while you may need some help along the way, it can make you stronger, and help you feel better about yourself.

An important thing needed in self advocacy is believing in yourself. The only reason you need to do this is that you are a human being, and worth caring about yourself and your rights. You have power as a person, and you can learn to use it.

In this manual, you'll learn things like:

- How to develop useful skills to advocate for yourself.
- What your legal rights are, for example, housing, treatment, and consumer rights.
- How to negotiate, solve problems, and deal with conflicts and barriers.
- Where to find helpful community resources.
- See the Table of Contents for a complete list.

Note: There are helpful resources for you in the manual. Look for: *

A Way to Look at Self Advocacy

You might think of yourself as a bus driver. You drive your bus and can have as many passengers as you want. You can ask for a particular passenger to come on board and it's okay to ask passengers to leave the bus. (Some passengers just aren't very helpful at times).



You can ask questions of the passengers along the way.

You decide when to step on the brake or the accelerator, and what direction to steer. You can park the bus at any time for as long as you want, so you can figure out where you want to go next.

You are capable, worthy and responsible for driving your bus, and it's okay to take as much time as you need. You may want someone to sit close to you to help out sometimes.

Sometimes the roads you take seem to lead nowhere. But that often happens in life, and you can turn around and go back to where you started and try a new direction if you want.

Keeping Yourself Safe

Whatever circumstances you find yourself in and whatever challenges you face, the first objective should be to keep yourself safe. Sometimes people can react from feelings such as anger and end up getting themselves into another pickle. Think carefully before you act, and get help when and where you need it.

The members, volunteers, and staff at the Self Help Alliance, wish you success on your journey!

Note: This manual is designed to assist people with mental health issues to understand how to advocate for change in their lives. The information provided has been compiled from general knowledge on self advocacy. **The information in this manual does not constitute financial or legal advice.** You are encouraged to access appropriate information from qualified professionals to ensure that you are taking all necessary steps and understand the consequences of problem solving through self advocacy.

Part 1—What is Self Advocacy?

This section explains self advocacy, why you should believe in yourself and be a self advocate, why you may *not* want to do this, roles in self advocacy, and its benefits.

Advocacy Defined

Advocacy is speaking up for yourself or others. It is attempting to change how things work in order to change how things are. Advocacy is empowering yourself, and a way to find your voice when people are not paying attention to your needs and rights.

In advocating for yourself, **you** are the only person who knows:

- What your needs are.
- That you are the ‘expert’ about your situation.
- That speaking up for yourself may not always have been a positive experience.
- That you have the right to be treated with dignity and respect.
- That you have the power within yourself to be an effective advocate for yourself.

Self Advocacy Is

- Standing up for your rights.
- Speaking or acting for yourself.
- Fighting for your personal rights and/or against personal discrimination.
- Deciding what is right for you and taking charge of getting it.

Why Believing In Yourself Is Important

Many individuals worry that they can not advocate for themselves, but anyone can be an advocate! Two-year-olds can be advocates—when they want something, they let you know. Advocacy is not always so simple, but many individuals who experience a mental health issue tell stories of surprising themselves with their power to advocate.

As a consumers of mental health services, you may face many obstacles in your life, and sometimes you must face these obstacles alone. So it is important to learn about self advocacy, a process that involves identifying the obstacles that you face, developing strategies to overcome them, and then implementing these plans.

Although you may be discouraged from standing up for yourself, self advocacy is possible for you. As a first step to achieve your self advocacy goals, you might need to work on developing the attitudes needed for self advocacy. For some people, it means being more assertive, while for some it means taming aggression. Above all, self advocacy requires believing in yourself.

In self advocacy, attitudes and beliefs are as important as skills. “Self advocacy requires an internal belief that you are someone who is worth advocating for,” says Clearinghouse program director Marie Verna. “As mental health consumers, we are often led to believe that we’re not

worth advocating for,” she continues, “and we have to change this belief in order to take advantage of advocacy training.”

Individuals who have gotten involved in self advocacy also agree that once you become involved in advocacy, the rewards multiply. Success improves your self-esteem. The more you reach out and get what you need, the better you feel about yourself. Although self advocacy means taking responsibility for getting what you want, it does not mean that you have to do it alone. You can find people to help you.

Reasons To Take Charge of Your Situation and Become a Self Advocate

- In order for others to know that you disagree with them or that your rights have been disregarded, **you need to tell them!**
- You know best about your life situation and what you think, feel and need. Do not wait for someone else to speak out on your behalf—it may never happen!
- The people who have the authority to make decisions in your situation may think everything is OK if you do not speak up for yourself.
- By speaking out, you may be helping other people in the same or similar situations.
- You have a responsibility to take care of yourself. Speaking out will help you to keep your self-respect and dignity, even if you do not always get what you want.
- Remember that policies are often rules, and that these rules may not always be fair or suitable for you. You have the right to question the rules, as they may not apply in your situation.

Your Roles in Self Advocacy

Show up

Do not avoid the issue. Some reasons we avoid can include fear of failure; fear of not being accepted; or fear you can not do it. Another way to avoid is by blaming others.

Decide what you want

Be as specific as possible.

Identify the steps you can take.

Identify what you can do and where you want help from others.

Take ownership for getting what you want

Take a leadership role and accept responsibility for your life’s decisions.

It is your life, and your life is important.

Use the power you have to effect change.

Be clear about what you expect of yourself and others.

Determine your level of risk

Figure out what could reasonably happen if you take action in the face of uncertainty. Determine how much risk you are willing to take. Remember that you can grow and learn from your failures.

Explore your attitude

Take time to find out what your attitude is about the issue or problem, yourself, and other people involved. Attitudes are the ways you respond to people and situations that you have learned, based on the beliefs, values, and assumptions you have. They show in your behaviour.

Almost always, you have a choice about what attitude to take. Because you have a choice, most of the time you'll be better off if you choose to react in a positive rather than a negative way. It is not what happens to you that counts. It is how you *react* to what happens to you, especially when you have problems of any kind.

Take action

There are more opportunities than limitations in life. Take the adventure. By not taking action you may be missing a great opportunity to get what you want; learn something new; or gain something unexpected.

Helping yourself: Tips for Effective Self Advocacy

Self advocacy is acting to influence people, agencies, and sometimes, policies. This may seem to be more of a challenge than you want to attempt. But what do you have to lose?

Doing Nothing

You may be afraid that if you speak out about your situation that things may become more difficult or that you will be looked as a 'problem.' If you do not let people know what your situation is and how you want it improved, things will likely stay the same.

Ask yourself if you want to stay where you are. Ask yourself if things will get worse if you do not do anything. If things will stay the same, is that ok with you?

Overcoming Inertia or Fear

Sometimes you may feel tired and it can be challenging to get the energy to advocate for yourself. Know when you have reached your limit. If you have, it may be a good time to ask someone to help you. If you are afraid, you can still act, and see what happens. It is a risk, but you are worth it.

Stay Calm

No matter how upset you may be or how badly you have been treated, try to stay calm. It may help to talk with someone about what happened to upset you, like a friend, family member, or a professional. They can offer support and advice. Find an appropriate person to whom to express your feelings, but try to remain calm when trying to get your needs met.

Being calm helps when dealing with people because if you are calm, they will likely stay calm too. But if you are angry or aggressive, for example, people will respond to you differently, maybe in ways that will not help you meet your needs or get what you want.

Keep At It

Do not give up once you have started. Remember that you have the right to ask for what you want or need. And you have the right to:

- Speak to someone who has the authority to make decisions.
- Be treated as a competent individual.

Read a recovery book

You can find out how others have dealt with similar situations, discover ideas that might help you, or learn some new skills.

Go to a group

Self help or peer support groups are places to share experiences, strengths and hopes. People in these groups can offer practical tools and provide you with a variety of supports and information.

Use community resources or your own resources

Your resources may include: family and friends, help lines, distress centres, crisis or distress lines, radio or TV talk shows, videos, the internet, journaling, doing household chores, or doing something you enjoy. Exercise is a great stress reducer, even just going for a walk.

Other options are resources in the community like counselling, guidance, a mentor, a teacher, a facilitator, a hospital, a mental health clinic, or a self-help or peer support organization.

Why You May Not Want to Advocate for Yourself (Learned Helplessness)

There are many reasons why you may feel that you can not advocate for yourself. Listed below are just a few reasons we tell ourselves why we cannot stand up for what we believe in, or change a situation that may be unfair. Unfairness may have a negative impact on us or on people we know, and may cause us to let others have power over us. You may feel that you can not change things because:

- You do not have control over your life.
- It is too hard to change your situation.
- Nothing you do will make a difference.
- The 'System' is just too big and powerful.
- No one cares, or really understands you or your situation.
- You caught in a situation not of your own making.
- You are being discriminated against because of your mental health issues.

Here is a quote that illustrates what you have just read:

In order to survive the larger society, members of oppressed groups are forced to come to terms with a potent force that constantly, and in many ways, says they are no good. This is truly an impossible dilemma, and it is not surprising that people react with rage and fear, turning inward against themselves or outward against others. One of the less constructive ways people may use to cope with their situation is Learned Helplessness, which may consciously or unconsciously be adopted as a mechanism of defence. —N.I. Brill, 1990

Following is a list of destructive behaviours that can block your ability to advocate for yourself or others. Check the list below! If you select one or more of these behaviours, then it is time to **stop** getting in your own way.

- Act dumb or be over dependent.
- Exaggerate the negative.
- Lash out or blame others if you are disappointed.
- Withdraw, do nothing, or give up.
- Put yourself down.
- Deny that you are having difficulties.
- Accept goals and solutions suggested by others, even when you know these may not be possible to achieve; or give no input to an action plan.

Benefits of Self Advocacy

By being a self advocate, you will also learn about your rights (or if your rights are being abused), and develop your self-confidence. Self advocacy can help you realize your strengths. You will learn new things, and knowledge is power, and the key to open new doors.

An old adage says, “The squeaky wheel gets the grease.” People are more likely to respond to you if they fear that you might cause them trouble in the future. Self advocacy requires persistence but offers great rewards. Some people believe that people who advocate for themselves are the ones who achieve the highest level of recovery.

Some of the benefits of becoming an effective advocate for yourself also include learning skills like:

- Speaking and writing
- Problem solving
- Managing conflict
- Assertiveness
- Effective communicating
- Leadership
- Membership in a community



Part 2—What are Your Rights?

In this section, you'll find out what your rights are in different areas of jurisdiction: the federal, provincial, and local governments. It's important to know what areas of jurisdiction are the responsibility of the federal, provincial, or local government. Your rights are guaranteed under these laws.

You have local rights about housing, police service, roads, noise and waste. You can contact your local municipal or county office if you have concerns about any of these.

* blue pages of the phone book

What is right?

There are two important things you should know:

- What your rights are.
- What resources are available to assist you if your rights are violated.

Who or what decides these definitions?

- The courts, based on laws and customs.
- Parliament, based on current beliefs.
- Local councils.

What can you do to make things work for you?

- Know about the law.
- Know about your rights.

What is fair?

There can be a difference between the law, and what you think may or may not be fair. But remember that life is not always fair. You can still work to get justice for yourself, or find the best solution possible for you.

Federal & Provincial Rights

1. Human Rights

The Canadian Charter of Rights and Freedoms

The Charter guarantees personal human rights and freedoms. Everyone has the following fundamental freedoms:

- Freedom of conscience and religion.
- Freedom of thought, belief, opinion and expression, including freedom of the press and other communication media.
- Freedom of peaceful assembly.
- Freedom of association.
- Freedom from discrimination.

The Charter covers many areas, such as:

- Employment, for example, employment insurance.
- Income: includes the Canada Pension Plan (CPP), and Canada Pension Plan Disability Benefits (CPP-D).
- Health: includes regulations and funding for the provinces.
- Consumer rights and protections.
- Privacy rights.



Ontario Human Rights Code

This provincial law gives all citizens equal rights and opportunities. The goal is to prevent discrimination and harassment. The purpose of human rights legislation is not to punish a person or company that has discriminated, but to fix the situation for the person or group discriminated against, and to prevent further discrimination.

The Code is administered and enforced by the Ontario Human Rights Commission. However, an independent body separate from the commission, called a Board of Inquiry, may make the ultimate decision in a complaint.

The Code states that all people:

-
- Have human rights that cannot be infringed upon or dismissed.
 - Have individual dignity and worth.
 - Are entitled to equal rights and opportunities without discrimination.
 - Need a climate of understanding and mutual respect, so that everyone feels a part of society and can contribute fully to it.

The Code also states that every person has a right to freedom from discrimination in the areas of:

- Services, goods and facilities (including shops, restaurants, hospitals, schools, and insurance).
- The place you live, whether rented or owned.
- Contracts (oral or written agreements).
- Employment (including advertisements, application forms, and job interviews).
- Membership in vocational associations and trade unions.

on the grounds of:

- Race.
- Ancestry.
- Place of origin.
- Colour.
- Ethnic origin.
- Citizenship.
- Creed (religion).
- Sex (includes pregnancy).
- Sexual orientation.
- Disability.
- Age.
- Marital status (including common-law, divorced, separated).
- Family status (being in a parent-child relationship).
- Same-sex partnership status.
- Receiving public assistance (in accommodation only).
- Record of offences (provincial offences, pardoned federal offences)—in employment only.

The Code does not apply to federally regulated activities. They are subject to the Canadian Human Rights Act. **Note:** All provincial laws have to comply with federal law.

Accessibility for Ontarions with Disabilities Act (AODA)

This law states that people with disabilities should have the same kind of opportunities as everyone else. You should be able to do the same things that many people do—going to work or school, shopping, or eating out. Businesses and organizations who provide goods and services to you have to meet certain accessibility standards in five important areas of your life:

- Customer service.
- Transportation.
- Information and communications.
- Making buildings and spaces accessible.

-
- Employment.

* 1-866-515-2025 or <http://www.mcsc.gov.on.ca/mcsc/english/pillars/accessibilityOntario>

The Human Rights Tribunal of Ontario

This agency resolves discrimination claims filed under the Ontario Human Rights Code. It was called the Ontario Human Rights Commission (OHRC)—see next section.

* 1-866-598-0322 or <http://www.hrto.ca/NEW/home.asp>

Human Rights Commission (OHRC)

This is now The Human Rights Tribunal of Ontario (see above section)

OHRC's mandate under the Code includes:

- Investigating complaints of discrimination and harassment.
- Making efforts to settle complaints between parties.
- Preventing discrimination through public education and public policy.
- Looking into situations where discriminatory behaviour exists.

Specially trained staff provide inquiry and intake, mediation and investigation services. If you file a complaint, you will be offered mediation services before your case is investigated.

Human Rights Legal Support Centre

This Ontario agency offers human rights legal services to you if you think you have experienced discrimination. Services range from legal assistance in filing an application at the Ontario Human Rights Tribunal to legal representation on human rights applications.

* Call 1-866-625-5179 or <http://www.hrlsc.on.ca/en/index.htm>

Ontario Community Legal Clinics

If you have issues with housing, social assistance, human rights, consumer protection, employment, disability pension, or Criminal Injuries Compensation, you may be able to access the justice system through the Legal Aid Ontario Community Legal Clinics program. You must be financially eligible for services according to guidelines set by Legal Aid Ontario.

Community legal clinics are funded by Legal Aid Ontario and governed by locally elected Boards of Directors. The Boards match their services to the needs of the communities they serve. In addition, clinics often engage in public legal education and community organizing.

Legal Aid Ontario also funds specialty clinics that deal with either a specific area of law (such as housing or social assistance), or represent specific individuals (like seniors, people with disabilities, or urban Natives). While general clinics serve a local geographic area, all areas of the province are serviced by specialty clinics that support the work of local clinics.

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- * Community Legal Clinics 1-800-668-8258
 - * To locate a community legal clinic in your area:
<http://www.legalaid.on.ca/en/locate/default.asp>

Ontario Legal Aid

Legal Aid is available to low income individuals for a variety of legal problems. You may need a lawyer to go to court with you, or you may just need some advice or assistance with court documents. You may be able to get Legal Aid to pay for a lawyer if:

- You have little or no money left over after you pay for basic necessities like food and housing.
- Your legal problem is one that is covered by Legal Aid.

If you receive income assistance, you will probably qualify for legal aid, but you may also be able to get legal aid help even if you have a job and own a house. You will have to do a financial eligibility test, where Legal Aid staff will look at your financial situation to decide if you qualify for help. Every situation is different, and the financial test depends on the size of your family and your monthly expenses. Legal Aid offers different kinds of services, depending on your needs:

1. The certificate program entitles you to receive advice and representation through a private lawyer of your choice, or through legal aid staff lawyers. To apply for a legal aid certificate, which outlines the services legal aid will provide, you must go to a local legal aid area office, where they will review and process your application and issue a certificate if you are eligible.
2. Legal assistance is also available through the community legal clinic program. Clinics provide services for poverty law issues related to landlord/tenant disputes, disability support and family benefits payments, for example.
3. If you have a court date coming up, but do not have a lawyer yet, duty counsel may be able to help you in the courtroom.

- * <http://www.legalaid.on.ca/en/locate> or look for Legal Aid in the phone book

Sexual harassment

This is when someone bothers you by saying or doing unwanted or unwelcome things of a sexual or gender-related nature. Examples are: inappropriate touching, making sexual requests or unwelcome comments about your body, or offensive jokes or remarks. Sexual harassment happens most commonly to females.

Sexual harassment means someone is trying to get control over you, and is illegal under the Ontario Human Rights Code. Police can charge someone if you are stalked or experience physical or sexual assault.

You should not confront the harasser if you think your safety is at risk. Instead, get a Restraining Order through the family court, a Peace Bond from a Justice of the Peace, or a Term of Release. These legal orders restrict the harasser from bothering you.

And you have other options. These include:

- At work: talk to your boss, a union representative, or someone in human resources.
- Talk to someone you trust.
- At school: talk with a guidance counsellor, principal or a police liaison officer.
- Contact the Ontario Human Rights Commission if you do not get satisfaction from school or work. * 1-800-387-9080
- Contact the police, a lawyer or a Justice of the Peace.
- Put your complaints in writing and keep copies.

It is very important to document all occurrences of harassment with the date, time, the nature of the behaviour, and what you did about it at the time.

2. Housing Rights

Residential Tenancies Act (RTA)

As a tenant, you have rights under this Act, which covers you if you:

- Rent an apartment or house.
- Are a roomer or boarder and do not share a bathroom or kitchen with the owner or a close family member of the owner.
- Rent the site that your mobile home or land lease home sits on.
- Live in a “care home,” where you get care services and a place to live, like a retirement or nursing home.

The Landlord and Tenant Board (Board)

This group settles disputes between landlords and tenants and enforces their rights. It is like a court, but less formal. You can apply to the Board to make an order if your landlord is not following the Residential Tenancies Act rules, like not doing repairs, or not respecting your rights.

When you apply to the Board, it will arrange a hearing where you and the landlord can present your cases. After the hearing, a Board member will make an order saying what you and your landlord must do.

* Landlord and Tenant Board 1-888-332-3234 or <http://www.ltb.gov.on.ca>

Before You Move In

1. Tenancy Agreements

“Tenancy” is your legal right to live in your place, a right that usually comes from an agreement between you and your landlord. The agreement can be called a tenancy agreement, a lease or a rental agreement.

When you first move in, your landlord must give you a brochure from the Board called *Information for New Tenants* that tells you about the Board, and your legal rights and responsibilities.

2. Deposits and Other Charges

You may have to pay a security deposit before you move in. It cannot be more than one month’s rent if you rent by the month, or more than one week’s rent if you rent by the week. The landlord can use this deposit *only* for a rental payment for your last month or week.

Always get a receipt when you pay a rent deposit or any other charge.

3. Discrimination

It is against the law for landlords to discriminate against you because:

- Of race, sex, age, sexual orientation, marital status, colour, nationality, religion, or the country where you were born.
- You have a disability.
- You are receiving social assistance.
- You have children living with you.



You can complain about discrimination to the Human Rights Tribunal of Ontario. You can also contact the Centre for Equality Rights in Accommodation (CERA), or a community legal clinic, for legal advice.

- * Human Rights Tribunal of Ontario 1-866-598-0322 or <http://www.hrto.ca/NEW/home.asp>
- * Centre for Equality Rights in Accommodation 1-800-263-1139 or <http://www.equalityrights.org/cera>
- * Community Legal Clinics 1-800-668-8258 or <http://www.legalaid.on.ca/en/locate> or look for Legal Aid in the phone book

While You Are Living In Your Place

1. Rent Increases

There are rules your landlord has to follow to raise your rent. The Landlord and Tenant Board sets rate increases each year, if there is a rate increase. *Your landlord can not raise your rent without getting approval from the Board.* In exceptional circumstances, the landlord can apply to

the Board to increase rent, but this has to be approved by the Board. And the increase must have to do with something that affects where you live.

2. Repairs and Maintenance

The law is that the landlord must keep your place in good condition and fit to live in. The landlord also has to maintain things that came with the place, like appliances, parking lots, elevators and hallways. It does not apply to anything you or your guests damage on purpose or by being careless.

If you are having problems with maintenance, other tenants might be too. So you might want to work together to have your landlord fix them. This may also save you time and money if you have to get legal help or apply to the Landlord and Tenant Board.

3. Privacy

The place you are renting is your home. *The law says when your landlord has a right to enter it.* Your landlord can enter without telling you if there is an emergency. The landlord can enter, *only with your permission*, if your rental agreement says the landlord gives you cleaning services.

4. Harassment

By law, your landlord cannot harass you, but harassment can be hard to prove, and it can also be a form of discrimination. It is a good idea to *keep detailed notes* about what is happening and try to get legal advice.

You can complain to Ontario's Investigation and Enforcement Unit. If the harassment is very severe, you can call the police. Use the non-emergency phone number.

You can also apply to the Landlord and Tenant Board, without paying a fee.

* Investigation and Enforcement Unit 1-888-772-9277 or <http://www.mah.gov.on.ca/ieu>

5. Utilities and Vital Services

Your landlord cannot cut off any vital services, like water, electricity or heat. It also includes food or care services from a landlord or a service provider, and a vital service being cut off if your landlord was supposed to pay for it, and did not. If there are problems, you can contact the

* Investigation and Enforcement Unit 1-888-772-9277 or <http://www.mah.gov.on.ca/ieu>

Moving Out

You do not have to move out because your lease has expired. You are a tenant until you or the landlord do something to end your tenancy. But you may have to move out if you are evicted.

If you want to move because your landlord is not following the law or your tenancy agreement, you can apply to the Landlord and Tenant Board to let you move out early. You might want to move if your landlord does not make repairs or is harassing you. You have to prove the problem is serious and that you gave your landlord a reasonable chance to correct it.

Eviction

It is against the law for your landlord to evict you or lock you out, without getting an order from the Landlord and Tenant Board. If you have been locked out, call the police and get legal help as soon as you can. If the Landlord and Tenant Board has made an eviction order and you do not want to leave, you must do something *right away*.

To be evicted, the landlord has to follow the steps in the Residential Tenancies Act.

1. Reasons for Eviction

- You owe rent.
- You often pay your rent late.
- You or your guests did something illegal.
- You or your guests caused damage or serious problems for the landlord or other tenants.
- The landlord wants to tear down the building or use it for something else.
- The landlord, his family, or a buyer's family want to move in.

There are other reasons for being evicted, but you *cannot* be evicted for any reason that is not in the Residential Tenancies Act, such as having a pet, unless the pet bothers or causes problems for other people in the building—even if your lease says no pets.

If you do not want to leave or disagree with the reasons in the Notice, you do not have to move out. *But get legal advice right away.*

2. If You Do Not Move Out

If you do not move out, your landlord has to apply to the Board for an eviction order. When the landlord does this, you must be given:

- A Notice of Hearing telling you the time and place of the Board hearing, and
- An Application explaining what the landlord is asking from the Board.

The Landlord and Tenant Board will schedule a hearing to decide if there is enough reason to evict you. At the hearing, you can bring evidence and explain why you should not be evicted. **It is very important to go to the hearing, because if you do not, the Board can have the hearing without you.** If you are not there, the Board member will likely decide to evict you because he/she will not hear your side of the case.

You have the right to have a lawyer or someone else represent you at the hearing and at any step along the way. Get legal help and get ready for the hearing as soon as you can. *It is very important to bring evidence to the hearing, like witnesses, photos, audio or video recordings, inspectors' reports, work orders, letters, or anything else that can help you prove your case to the Board member.*

Your Personal Belongings

If you move out, you must take everything with you on or before the day your tenancy ends:

- After giving notice to your landlord.
- Because you get a *Notice to Terminate* or *Notice to End a Tenancy*.
- Because you and your landlord agreed to end your tenancy.

If you do not take everything when you move out, your landlord can sell, keep, give away or throw out anything you leave behind.

If the Landlord and Tenant Board ordered the eviction, you have 72 hours to take your belongings after the Sheriff comes and the locks get changed. During this time, the landlord must keep your belongings in or near your place, and let you get them any time between 8 a.m. and 8 p.m. Take everything with you, if you can.

If you think your landlord broke any rules, call Ontario's Investigation and Enforcement Unit right away.

* Investigation and Enforcement Unit 1-888-772-9277 or <http://www.mah.gov.on.ca/ieu>

Information and Help for Tenants

* Community Legal Clinics 1-800-668-8258 or <http://www.legalaid.on.ca/en/locate> or look for Legal Aid in the phone book

* Tenant Duty Counsel Program <http://www.acto.ca> and click on "Tenant Info"

* Inspections: call your local property standards or by-law department, city hall or municipal office

3. Income Rights

The Canada Pension Plan Disability Benefit (CPP-D)

This benefit is available to you if you have made enough contributions to the CPP, and if you have a disability that prevents you working at any job on a regular basis. The disability must be long lasting or likely to result in death. People who qualify for disability benefits from other programs may not qualify for the CPP-D disability benefit.

You must apply for a disability benefit in writing. There are also benefits available to the children of a person who receives a CPP-D disability benefit.

It may take as long as three months for you to find out if your application for a disability benefit has been accepted. The time frame is much shorter for terminally ill applicants.

If your application for a CPP-D disability benefit is not granted, there are opportunities for you to have your application reviewed or reconsidered.

Once you qualify for and begin receiving a CPP-D disability benefit, you must contact Service Canada to keep them informed of certain specific events in your life. Some examples include: changing your name or your address, or if you earn over a certain amount.

If you are receiving a CPP-D disability benefit, your health and work status is reviewed occasionally, to make sure that you continue to be eligible.

* Canada Pension Plan Disability Benefits: 1 800 277-9914 or <http://www.hrsdc.gc.ca/eng/isp/cpp/disaben.shtml>

The Ontario Disability Support Program (ODSP)

This program is managed and delivered by the Ministry of Community and Social Services. It helps eligible people with disabilities by providing:

- Financial help, called Income Support, which helps people with disabilities who are in financial need pay for living expenses, like food and housing.
- Help finding a job, called Employment Supports, which helps people with disabilities prepare for and find a job, if they can and want to work.

* ODSP: 1-800-808-2268 or <http://www.mcscs.gov.on.ca/mcss/english/pillars/social/odsp/>

Ontario Works (OW)

The Ontario Works program can provide money and help you find a job.

To qualify for OW, you must

- Live in Ontario.
- Need money right away to help pay for food and housing costs.
- Be willing to take part in activities that will help you find a job.

The amount of money you receive from OW will vary depending upon your rent and family size. There is a maximum amount per month that a single person can receive from OW. You may also be entitled to drug and dental coverage, eyeglasses, hearing aids, dentures, community and employment start-up benefits, transportation allowances, special diet benefits, etc.

* Ontario Works: <http://www.mcscs.gov.on.ca/mcss/english/pillars/social/ow> or contact your local office (blue pages in the phone book)

Employment Insurance (EI)

EI provides temporary financial assistance if you are unemployed, and while you look for work or upgrade your skills. There are different benefits:

1. Employment Insurance Regular Benefits

This provides benefits to people who lose their jobs through no fault of their own (for example, due to shortage of work, seasonal or mass lay-offs) and are available for and able to work, but can not find a job.



2. Employment Insurance Maternity and Parental Benefits

These are benefits to individuals who are pregnant, have recently given birth, are adopting a child, or are caring for a newborn.

3. Employment Insurance Sickness Benefits

Sickness Benefits are for people who are unable to work because of sickness, injury, or quarantine.

4. Employment Insurance Compassionate Care Benefits

These benefits are for people who have to be away from work temporarily, to provide care or support to a family member who is gravely ill with a significant risk of death.

5. Employment Insurance Family Supplement

This provides additional benefits to low-income families with children.

- * Employment Insurance: <http://www.servicecanada.gc.ca/eng/sc/ei/index.shtml?cs> or call your local EI office (blue pages in the phone book)

4. Employment Rights



During your job search or in the workplace, you may encounter behaviour or treatment from an employer that you think is inappropriate or unfair. The best way to protect yourself is to know your rights and responsibilities as a job seeker or worker.

The Canadian Human Rights Act (CHRA)

The CHRA ensures equality of opportunity and freedom from discrimination in federal jurisdiction. Employers cannot discriminate against you because of race, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status, being on public assistance, or a record of offences.

You are **not** required to provide any of the following on an application or during an interview, but you can do so if you wish:

- Date or place of birth.
- Maiden name.
- Social insurance number or driver's license.
- Medical history.
- Information about criminal offences.
- Citizenship.
- Information about your credit rating or personal finances.
- Information about religious or political affiliation.
- Family status (for example, married or single, children or none).

Employment Equity refers to the process for achieving equality in all aspects of employment. The goals of Employment Equity are to:

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- Eliminate employment barriers for the four designated groups identified in the Employment Equity Act: women, persons with disabilities, Aboriginal people, and members of visible minorities.
 - Remedy past discrimination in employment opportunities and prevent future barriers.
 - Improve access and distribution throughout all occupations and at all levels for members of the four designated groups.
 - Foster a climate of equity in the organization.

If you think that the necessary steps to ensure employment equity have not been taken at your workplace, if these standards have been violated, or if you have any general questions, contact * the Ontario office at 416-954-7194.

The Employment Standards Act (ESA)

This federal Act protects your rights in the workplace. Below are some of the major points it covers.

1. Minimum wage for general workers. There are different wages that apply to other categories of work.
2. Maximum daily hours.
3. Maximum weekly hours.
4. Overtime: in most cases, overtime begins after a certain number of hours per week.
5. Public holidays.
6. Vacation.
7. Emergency leave.
8. Pregnancy and parental leave.
9. Notice of termination of employment.
10. Harassment: Employers are required by the Canada Labour Code to develop their own harassment policies which their employees know about and understand. As well, the Canada Labour Code requires employers to have a policy statement on sexual harassment containing specific elements including how harassment complaints can be brought to the attention of the employer. Remember, harassment is not a trivial matter. It is against the law.

If you are harassed, report to your employer or service provider or to the Canadian Human Rights Commission.

* 1-888-214-1090 or <http://www.chrc-ccdp.ca/default-en.asp>

11. If you are injured or ill because of work, your first priority is to seek proper medical attention. You must also inform your employer or supervisor, so that they can give you assistance and fulfil their responsibilities regarding the incident.

Workplace Safety & Insurance Board (WSIB)

(Formerly the Workers Compensation Board)

The WSIB promotes workplace health and safety, and provides a workers compensation system for the employers and workers of Ontario. This includes financial support for people injured at work.

The WSIB has financial support for:

- Independent Living Allowance (ILA), Personal Care Allowance (PCA), and guide and support dog allowances.
- An escort fee.
- A clothing Allowance benefit.
- A daily meal rate.
- Transportation paid by the kilometre.
- Bookkeeping and witness fees (professional and non-professional).
- Burial costs.

* WSIB: 1-800-387-0750 or http://www.wsib.on.ca/wsib/wsibsite.nsf/public/home_e

5. Health Rights

The Canada Health Act

This Act states that continued access to quality health care without financial or other barriers is critical to maintaining and improving the health and well-being of Canadians. The primary objective of the Act is "to protect, promote and restore the physical and mental well-being of residents of Canada and to facilitate reasonable access to health services without financial or other barriers." To do this, the act lists a set of criteria and conditions that the provinces must follow in order to receive their federal transfer payments.

In **Ontario**, mental health, consent, and substitute decision-making laws are the legal framework for care, treatment and hospitalization if you experience mental health issues, or are incapable of making your own life decisions. These laws balance your right to independence and self determination with your right to care, protection and treatment, as well as the safety of the community.

* Centre for Addiction and Mental Health: Resources and Rights
http://www.camh.net/Care_Treatment/Resources_clients_families_friends/Challenges_and_Choices/challenges_choices_rights.html

The Ontario Mental Health Act (OMHA)

The OMHA regulates the administration of Mental Health Care. The main purpose of the law is to regulate the involuntary admission of people into a psychiatric hospital. The act allows for a Community Treatment Order (CTO) by the attending physician (see below). This voluntary order is intended to provide comprehensive treatment outside a psychiatric facility.

The OMHA also regulates how you are admitted to psychiatric facilities, how your mental health records are kept and accessed, how your financial affairs are handled, and how you can be released into the community.

Note: The OMHA does not permit giving psychosurgery to a patient who is considered incompetent to consent to treatment.

Assessment Orders

You can be brought into a psychiatric hospital under three conditions:

1. When you are acting in a disorderly manner, the police can take you to be examined by a physician if they believe that you are a danger to yourself, a danger to others, or if you are not able to care for yourself.



2. In situations where there is no immediate danger, anyone can bring evidence to a justice of the peace that you are a danger to yourself, a danger to others, or are not able to care for yourself. The judge can then order you to be examined by a physician and fill out a Form 2 authorizing the police to take you to a physician for examination.

3. If a physician has assessed you within the last 7 days, and feels that you may be a danger to yourself, a danger to others, or are not able to care for yourself, then the physician can order that you have a psychiatric assessment by filling out a Form 1 authorizing the police to bring you in for examination.

Involuntary admissions

Once you have been brought to a psychiatric facility to be assessed, the physician may hold you there for up to 72 hours on an application for psychiatric assessment (Form 1). This form allows you to be held at a psychiatric facility for assessment, **but does not permit any treatment without your consent**. Consent to treatment is covered under the Health Care Consent Act (see below). The physician must also fill out a Form 42 to notify you and inform you why you are being held.

At the end of the 72 hours permitted by a Form 1, you must either be released, be admitted as a voluntary patient, or continue to be held as an involuntary patient with a certificate of involun-

tary admission (Form 3). The physician who signs the Form 3 must be different than the physician who signed the initial Form 1. A Form 3 allows you to be held for up to two weeks and you must be notified with a Form 30.

At the end of the two weeks, if the facility is to continue to keep you on an involuntary basis, a certificate of renewal (Form 4) must be filled out. The first time a Form 4 is filled out, it is valid for one month; the second time, it is valid for two months; and each time after that, it is valid for three months. Each time a Form 4 is filled out, another Form 30 must be filled out, notifying you.



Community Treatment Orders (CTOs)

Note: CTOs are voluntary and you are not required to enter into an order. A CTO cannot be issued unless you consent to it.

The OMHA states that the purpose of a community treatment order is to provide a person who suffers from a serious mental disorder with a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a psychiatric facility, and to provide such a plan for a person who, as a result of his or her serious mental disorder, experiences this pattern:

- The person is admitted to a psychiatric facility where his or her condition is usually stabilized.
- After being released from the facility, the person often stops the treatment or care and supervision.
- The person's condition changes and, as a result, the person must be re-admitted to a psychiatric facility.

When a physician decides that you meet the criteria for a CTO, a treatment plan is developed by all the people involved. In addition to you and the physician, people involved in the plan may include health care workers, social workers, family members, a substitute decision maker, or others. Once the treatment plan is agreed to by all parties, you are required to follow the plan while living in the community. Failing to follow the plan can result in you being readmitted to the hospital on a Form 1.

One important part of CTOs is that it allows people named in the treatment plan to communicate with each other for the purpose of providing you with treatment, care, or supervision. By

removing barriers to communication between members of the health care team, appropriate interventions can be quickly applied when you are at risk.

A CTO lasts six months and can be renewed if needed.

If you are on a CTO, you have the right to see a rights advisor and to appeal to the Consent and Capacity Board. The Board will review the CTO every year whether you request it or not.

Your Rights as a Patient

A physician who places you on a Form 3 or Form 4 is required to notify a Rights Adviser who is required to meet with and explain to you what your rights are. If you request it, a Rights Adviser will also help you apply for an appeal or get legal services.

If you are placed on a Form 3 or Form 4, you have the right to appeal the decision to a Consent and Capacity Board which will hear your case and the physician's case. Your involuntary status is reviewed by the Board every year whether you request it or not. The Board is composed, at the minimum, of a lawyer, a psychiatrist, and a member of the community (sometimes a family member of a person with a mental health issue).

If the patient or physician disagrees with the Board's decision, they may appeal to the Ontario Superior Court of Justice.

The Health Care Consent Act (HCCA)

This Act deals with how you are treated or cared for in various facilities, and how decisions are made about your care. It deals with issues such as:

- The rule that there must generally be informed, capable consent before treatment or admission to a care facility. (see below)
- How health practitioners are to deal with emergency situations where legally valid consent is not available.
- How to determine if you are capable of making decisions about medical treatment, admission to a nursing home or home for the aged, and personal assistance services in any of those facilities.
- How to identify the appropriate substitute decision-maker for an incapable person.
- How a substitute decision-maker should make decisions for someone not capable of making decisions about treatment, admission to a care facility or personal assistance services.

Criteria for Informed, Capable Consent Under the HCCA

Capacity

A person is capable with respect to a treatment, admission to a care facility or a personal assistance service if the person is able to understand the information that is relevant to making a decision about the treatment, admission or personal assistance service, as the case may be, and able to appreciate the reasonably foreseeable consequences of a decision or lack of decision.

A person is presumed to be capable with respect to treatment, admission to a care facility and personal assistance services.

A person is entitled to rely on the presumption of capacity with respect to another person unless he or she has reasonable grounds to believe that the other person is incapable with respect to the treatment, the admission or the personal assistance service, as the case may be.

Wishes

A person may, while capable, express wishes with respect to treatment, admission to a care facility or a personal assistance service.

Wishes may be expressed in a power of attorney, in a form prescribed by the regulations, in any other written form, orally or in any other manner. Later wishes expressed while capable prevail over earlier wishes.

No treatment without consent

A health practitioner who proposes a treatment for a person shall not administer the treatment, and shall take reasonable steps to ensure that it is not administered, unless,

- (a) he or she is of the opinion that the person is capable with respect to the treatment, and the person has given consent; or
- (b) he or she is of the opinion that the person is incapable with respect to the treatment, and the person's substitute decision-maker has given consent on the person's behalf in accordance with this Act.

Elements of consent

The following are the elements required for consent to treatment:

1. The consent must relate to the treatment.
2. The consent must be informed.
3. The consent must be given voluntarily.
4. The consent must not be obtained through misrepresentation or fraud.

Withdrawal of consent

A consent that has been given by or on behalf of the person for whom the treatment was proposed may be withdrawn at any time,

- (a) by the person, if the person is capable with respect to the treatment at the time of the withdrawal; or
- (b) by the person's substitute decision-maker, if the person is incapable with respect to the treatment at the time of the withdrawal.

Capacity depends on treatment & Time

A person may be incapable with respect to some treatments and capable with respect to others. A person may be incapable with respect to a treatment at one time and capable at another.

Return of capacity

If, after consent to a treatment is given or refused on a person's behalf in accordance with this Act, the person becomes capable with respect to the treatment in the opinion of the health practitioner, the person's own decision to give or refuse consent to the treatment governs.

Treatment must not begin

This applies if a health practitioner proposes a treatment for a person and finds that the person is incapable with respect to the treatment. In some circumstances, the health practitioner shall not begin the treatment. This does not apply if the health practitioner is of the opinion that there is an emergency.

The Substitute Decisions Act (SDA)

The SDA deals with guardianship, substitute decision makers (people who make decisions for you), and Powers of Attorney. This Act deals with having others making your health care decisions if you are seen as "incapable." The SDA deals with issues like:

- Powers of attorney, guardianships and other matters relating to long-term arrangements for substitute decision-making.
- How continuing powers of attorney for property or personal care may be given.
- How statutory guardianships for property may be created when an assessor determines that you are not capable of managing property.
- How a court may appoint a guardian for property or personal care.
- Powers and rules of decision-making for guardians and attorneys.
- Options available if a substitute decision-maker makes decisions in an improper fashion.

6. Consumer Rights

The **Canadian Consumer Handbook** was written by officials from the federal, provincial and territorial governments to help you become a better informed and more confident consumer. The Handbook has information on topics such as buying things, privacy, contracts, housing, identity theft and much more.

As a consumer, you have to deal with a wide range of issues in an increasingly complex marketplace. Reliable information is key to helping you better understand the choices you are making and become more confident in your decisions.

- * Canadian Consumer Handbook:
http://www.ic.gc.ca/eic/site/oca-bc.nsf/eng/h_ca02058.html
- * To file a complaint with the Canadian government
<http://consumerinformation.ca/app/oca/ccig/main.do?language=eng>



The Consumer Protection Act

The Ontario Ministry of Small Business and Consumer Services promotes a fair, safe and informed marketplace—one in which your rights as a consumer are fully protected. Legislation protects these rights by setting out ground rules covering most consumer transactions.

Here is a list of your rights under the Consumer Protection Act. Take a moment to review them—it may save you a lot of time, effort and even money.

You are entitled to a cooling off period.

Example: if you make a purchase or sign a contract in your home, and then change your mind. If the deal is worth more than a certain amount, you have the right to cancel within 10 days. It is best to cancel by registered mail or fax to get your money back.

Remedies must be timely.

When you take advantage of your 10-day cooling off period and notify the company (preferably in writing) that you have changed your mind, the company has 15 days to return your money. The business has the right to take back the goods provided under the agreement by either picking them up or paying for the cost of sending them back.

If you are sent goods you did not ask for, you do not have to accept or pay for them.

You may use them or throw them out. You are not responsible for an unsolicited credit card either—unless you buy something with it.

Pre-paid goods or services over a certain amount must have a written contract.

When some part of the contract occurs in the future (for example, a gym membership), written contracts are required for goods or services worth more than a certain amount. The contract must contain complete details of the transaction and full disclosure of any credit terms.

Contracts must be clear and comprehensible.

Vague language is discouraged in contracts. All required information must be clear, prominent and easy to understand. If there is a dispute over unclear language, by law, it must be interpreted in favour of the consumer.

Credit terms must be fully disclosed.

Anyone providing goods or services on credit must give you a written statement showing all financing charges and the annual percentage rate of the credit transaction. It must also explain how any extra charges would be calculated if you fail to make the payments.

Misrepresentation is illegal.

All charges in a contract must be what they say they are. For example, a business may not add a surcharge for a “tax” that is not really for tax. Make sure you understand what each charge is for and that it is valid.

Sales incentives may not be false, misleading or deceptive.

A salesperson can offer you an incentive to help find other buyers, but the description of the incentive cannot be false, misleading or deceptive.

Consumer agreements must disclose all details.

If a company is not delivering on its contract with you, or if you encounter an aspect of the deal the company was required to disclose by law but did not, you have the right to cancel within one year.

Your goods can not be repossessed if you have paid 2/3 or more.

A seller can not take back goods you have bought but not paid for fully, as long as you have paid two-thirds or more of the cost, except by court order. But remember, if you miss a payment, the seller can take you to court to get full payment, which could hurt your credit rating.

Deliveries must be made on time.

If a delivery does not arrive within 30 days of the promised date, you can cancel the contract by sending a cancellation letter. But you lose the right to cancel the agreement if you accept delivery after the 30 days.

Anyone who violates the Consumer Protection Act will have to pay.

Individuals violating certain sections of the act are liable to a fine or imprisonment of up to two years less one day. A corporation can also be fined.

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- * Consumer Protection Laws: http://www.gov.on.ca/mgs/en/ConsProt/STEL02_167848.html
 - * Consumer Protection Branch 1-416-326-8611

Ombudsman of Ontario

The Ombudsman investigates complaints about services provided by the government of Ontario and its organizations. They also conduct investigations on important issues about government services, which can affect large numbers of people. Under the *Ombudsman Act*, individuals, as well as government officials and staff working in government organizations, are required to cooperate with the Ombudsman and provide information during an investigation. Many cases brought to the Ombudsman are resolved informally through contact with government ministries and organizations.

When the Ombudsman identifies a problem in how the government has treated you, he can report on it and make recommendations to correct the problem for you. He can also make recommendations to change government policies and practices to prevent similar problems from occurring in the future and to improve the system for others.

The Ombudsman's high-profile Special Ombudsman Response Team (SORT) cases have resulted in improved government services for people across Ontario.

The Ombudsman is generally an office of last resort. This means that you should first try to resolve your problem by using the complaint and appeal procedures offered by the government agency with whom you are dealing. Many complaints can be resolved quickly by first approaching the government organization involved and using its complaint procedures. If you are not certain what complaint procedures are available, you can speak to the organization directly or the Ombudsman can assist you by providing referral information on how to address your problem.

Remember to:

- Get the names and titles of the people you have dealt with.
- Keep track of the dates of your contacts with the organization.
- Keep all papers and letters relating to your complaint.

Note: all complaints are confidential and free.

- * Ombudsman of Ontario: <http://www.ombudsman.on.ca/en.aspx>
- * Ombudsman Complaints Line 1-800-263-1830

7. Privacy Rights

Canada has two federal privacy laws, the Privacy Act, and the Personal Information Protection and Electronic Documents Act.

The Privacy Act imposes obligations on federal government departments and agencies to respect privacy rights by limiting the collection, use and disclosure of your personal information. This Act gives you the right to access and request correction of personal information about yourself held by the federal government.

Personal Information Protection and Electronic Documents Act (PIPEDA)

You are also protected by this Act that sets rules for how private sector organizations may collect, use or disclose your personal information in the course of commercial activities. The law gives you the right to access and request correction of personal information that organizations may have collected about you.

Federal Information Privacy Protection Act (FIPPA)

This Act gives you right of access to records held by public bodies, and regulates how public bodies manage your personal information. It also has an independent review process for people who disagree with access and privacy decisions made by public bodies under the Act.

* Your Privacy Rights, A Guide for Individuals
http://privcom.gc.ca/information/02_05_d_08_e.asp

Provincial Health Information Privacy Protection Act (PHIPPA)

PHIPPA protects your personal health information and provides guidelines on the collection, use and disclosure of health information. Its purposes are to:

- Establish standard rules for the collection, use and disclosure of personal health information.
- Provide individuals with the right to access their personal health information (PHI).
- Give individuals the right to have their PHI corrected or amended.

“Personal health information” means identifying information about you that relates to:

- Physical and mental health.
- Test results or details of visits to a doctor.
- Provision of health care or health plan.
- Payments or eligibility of health care.
- Donation of a body part or substance, or test or examination of a body part.
- OHIP number.



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- The identity of a substitute decision-maker.

PHIPA applies directly to Health Information Custodians (HICs) and organizations that receive personal health information from HIC. Health Information Custodians are individuals employed by organizations who have custody or control over personal health information. Individual practitioners typically act as their own HIC. Examples are: health care practitioners; health care service providers such as hospitals, pharmacies, nursing homes, ambulance services; community care access centres; and psychiatric facilities. Other examples include insurance companies, schools, and employers.

8. Child Welfare Rights

In Ontario, the Children's Aid Society (CAS), also known as Family and Children's Services (F&CS), provides help and support to children and their families. Children's Aid Societies provide child welfare services and parenting supports to families to help them cope with stress, poverty, addiction or mental health problems.

The law requires that a person who has reasonable grounds to suspect that a child is, or may be, in need of protection **must** report directly to CAS, and that people who work with children who suspect that a child is a victim of abuse or neglect must report these suspicions to the CAS. Failure to report could subject the person to a fine. *Contact your local CAS immediately if you have concerns about any child who is, or appears to be, under the age of 16 years.*

When you call, you will talk to an intake worker who is trained to listen to your concerns and ask questions, before deciding how urgent the situation is, and what type of intervention is needed. If a child is in imminent danger, a worker will respond immediately.

If the worker determines that the child is not in immediate danger or risk of harm, he/she will be able to assist the family by connecting them with community resources. In most cases, the child and family will be offered counselling to help keep the child safe and secure at home.

If parents are unable to provide care for their children

- Children may be admitted to CAS care with the consent of the parents or by court order.
- The CAS might seek out relatives or other significant persons to provide short-term care.
- The CAS will continue to provide help to the family, encourage regular visits and ultimately reunite the child and family, unless the child is made a Crown Ward. Every effort is made to reunite child and family. Parents may be requested to contribute financially to their child's support.

Pregnancy

Young persons can contact CAS when they discover they are pregnant. Many options are available to the mother. A worker will explore all the options with the mother so that she can make the best decision.

At what age can a child be left home alone?

The Child and Family Services Act (CFSA) does not identify an age when a child can be left alone, or an age at which a child can supervise or babysit other children. Age alone is not a sufficient safeguard for the supervision of children.

The CFSA says that a person who has charge of a child less than 16 years of age cannot leave the child without making provision for his/her care or supervision that is reasonable under the circumstances. Anyone who breaks this provision is guilty of an offence, and if convicted, is liable to a fine and/or imprisonment.

In addition, the Criminal Code of Canada includes the offence of abandoning a child. Everyone who unlawfully abandons or exposes a child who is under the age of 10 years, so that its life is or is likely to be endangered, or its health is or is likely to be permanently injured, is guilty of an offence that carries a penalty of imprisonment.

If you are not sure if you should leave your child home alone, please call your local CAS. You do not have to give your name, or any identifying information.

* Children's Aid Society or Family and Children's Services—white pages of the phone book

Part 3—Effective Complaining



This section includes skills to help you get what you want when you have to negotiate with someone about a problem, have a decision to make, or are having a conflict.

Negotiation Skills

There are five basic principles you can use in negotiating:

- Be hard on the problem and soft on the person.
- Focus on needs, not positions.
- Emphasize common ground.
- Be inventive about options.
- Make clear agreements.

If you can, prepare in advance. Consider your needs, and the other person's needs. Think about possible solutions that would get more of what you both want. Be clear that your job is to move the negotiation forward, by doing some of the following:

Reframe

- Ask a question to reframe (ask the question in a different way), for example, "If we succeed in resolving this problem, what differences would you notice?"
- Request checking of understanding. ("Please tell me what you heard me/them say.")
- Re-interpret an attack on the person as an attack on the issue.
- Request something she/he said to be re-stated more positively, or as an "I" statement. An I-statement is a statement that begins with the word "I." It is used in an attempt to be assertive without putting the listener on the defensive. It can be used to take ownership for one's feelings rather than saying they are caused by the other person. An example of would be saying, "I get angry when you make fun of my clothes, and I would prefer that you stop doing that."

A "You-Statement" would be "Quit saying that crap, you're really making me mad!" The problem with "You-Statements" is that the other person may become defensive and upset, and this can cause conflict.

Respond instead of Reacting

- Manage your emotions, and try to stay calm. Take time out, if you need it.
- Let some accusations, attacks, threats or ultimatums pass.
- Make it possible for the other person to back down without feeling humiliated (for example, by identifying changed circumstances which could justify a changed position on the issue.)

Re-focus on the issue

Here are some ideas to maintain the relationship and try to resolve the issue.

- Find out what's fair for both sides.
- Summarize how far you've gotten toward solving the problem.
- Review common ground and agreement so far.
- Focus on being partners solving the problem, not on being opponents.
- Divide the issue into parts.
- Address a less difficult aspect when stuck.
- Invite trading ("If you will, then I will").
- Explore the best and worst alternatives to negotiating an acceptable agreement between you.

Identify Unfair Tactics

Be aware that some people will use unfair tactics, like deceiving you, discounting what you say, or distracting you. You need to be aware of what the other person is doing and take steps to deal with it. Here are some other strategies.

- Name the other person's behaviour as a tactic.
- Address the person's motive for using the tactic.
- Have a break.
- Change locations, or seating arrangements.
- Go into smaller groups, or meet privately.
- Call for a meeting to end now and start later, to give people a chance for reflection.

Communicating Effectively

When speaking up for yourself, you it is often more effective to be Assertive, not Aggressive. When you are able to present your situation assertively, others tend to listen. Assertive communication is an important way to get your point across and to be understood. Being assertive also allows you to maintain control over the situation. But when you allow yourself to become aggressive, you often block the ability to present your views clearly. And, other people may get defensive, and aggressive with you.

Assertive Communication means

- That you stay on topic; and that you are consistent, brief and clear.
- That you use a reasonable tone of voice and attitude.

-
- That you ask for specific information when you do not understand what is being said.
 - That you make sure that the other person understands what you have said and that your point of view is clear.
 - That you 'keep your cool' and put your best self forward.
 - That you listen politely to what the other person is saying even if you do not agree with them.

Aggressive Communication means

- That you may shout or yell to get your point across.
- That you may use verbal abuse, swearing, or threats to get your point across.
- That you may interrupt the other person.
- That you may not listen to the other person.
- That you may walk out on the conversation.

Remember that **how** you communicate is often as important as **what** you communicate, and that your method of communication may often determine whether you get what you want. You can catch more flies with honey than with vinegar!

Problem Solving & Decision-making Skills

One of the exciting parts of life is the number of choices we have every day. Some decisions are simple, like deciding what to eat for dinner or what shirt to wear. But some choices are more challenging, and take careful thought and consideration.

When you have to make harder decisions, it can be very difficult to decide on the best choice, and you may be plagued by indecision. You may be forced to choose between two equally good options, or you may have to pick between two choices that both have drawbacks. You may waver back and forth between different alternatives and may feel paralyzed to make the decision.

This is a very normal reaction to tough choices in our lives, and we all, at times, experience a sense of being unable to decide on some option. But, there is a technique that many people find useful when they are trying to make a difficult decision or solve a problem that seems unsolvable. The technique uses a series of steps that you can go through on your own when you have trouble making a decision, or have a problem that needs to be solved. The technique may not work perfectly for all difficulties, but it may help with many of the problems you are confronted with in your life.

Note: It's a good idea to write your ideas for the steps.



Step 1: Problem Overview

This step involves recognizing that there is a problem, and you think that solving it is worthwhile. *It is important that you approach the decision-making process with a positive attitude and view the situation as an opportunity or challenge.* Try to approach the situation with confidence, and be willing to give some time and effort to finding a useful solution to your problem. You are a competent person, and the problem you are facing can likely be solved with some hard work.

Step 2: Define the Problem

Before you start to tackle the problem, it is important to clearly understand the difficulty and why you are unhappy with the current situation. It is important that you really think about and get information about the problem, and make sure that the problem you are trying to solve is the "real" problem. This is because sometimes people find a different problem than the one that is really distressing them, and focus on it, since it is easier than dealing with the real problem.

In this step, you think about the difficulty you are having, try to understand it, and think about why it is distressing. Some people think of problems as a difference between what they want and what the current situation is like.

It is useful in this step to think about how the current situation is different from how you would like it to be, and what your goals are. If you are currently facing many difficult decisions, pick the most important problems, and deal with them one at a time.

Step 3: Develop Alternative Solutions (Brainstorming)

In this stage, ask yourself, "What have I done in this situation in the past, and how well has that worked?" If you find that what you have done in the past has not been as effective as you would like, it can help if you come up with some other solutions that may work better. Even if your behaviour in the past has worked like you wanted it to, you should think of other possible solutions, because you may come up with an even better idea.

When you start to think of possible solutions, do not limit yourself—think of as many possible options as you can, even if they seem unrealistic. Later, you can always get rid of ideas you do not like. You may want to ask others about possible solutions they might have for your problem.

Step 4: Decision Making

Now you are ready to narrow down some of the options that you generated in Step 3. It is important to examine each option, think about how realistic each one is, how likely you would be to try

that option, and the possible drawbacks of each. For example, if your solution costs a lot of money, or requires many hours of effort every day, it may be too difficult to do.

You should also consider the possibility of each option in terms of your being able to achieve the goals that you want. As you start to narrow down your choices, remember that no solution is perfect and all may have drawbacks. But you can always try another solution if one does not work the way you want it to work.

Step 5: Try Your Solution and See if it Works

Once you have examined all your options and decided on one that seems to meet your goals and minimize your costs (for example, time or money), it is time to test it out. Make sure that when you try this solution, you give it your best effort. During this stage, you should continue to examine the solution you picked, and how well it is "solving" your problem.

If you find that the solution is too hard to implement or is just not working, change it or try one of the other options from Step 3.

Trying to solve problems is never easy, and you may have to try several solutions before one works. But, do not give up hope, because with persistence and your best effort, many difficult decisions and problems can be made better! Remember to try to find ways to make the situation more manageable. *Take all the time you need, and take small steps.*

The Realities of Dealing with Agency Staff

It is important for you to be aware of what you may face and have to work with when advocating with agency staff. For example, if you are dealing with someone in an agency, it's important to be aware of the political realities of the organization, and to know that the person in the agency has rules and regulations that they have to follow. Being aware of this can help you with problem solving and conflict.

If you decide to contact an agency to help you with your case, it may be necessary to sign a release of information before an agency representative can speak on your behalf.

If you are not getting what you want from a staff person, you can request to see a supervisor.

It is your choice to be totally honest with the agency staff, and whether to tell them your whole story. You have to think about getting your needs met, and what staff really need to know.

Limitations & Barriers

You may find both internal (personal) and external barriers when being a self advocate, and are dealing with a problem or conflict. It can be very helpful to look at the barriers being faced in your circumstances.

Any of these barriers can stop you from moving forward. So, start from where you are and know that with time and help you can overcome any barrier, maybe by taking small steps. At the very least, you can present your case in the best way.

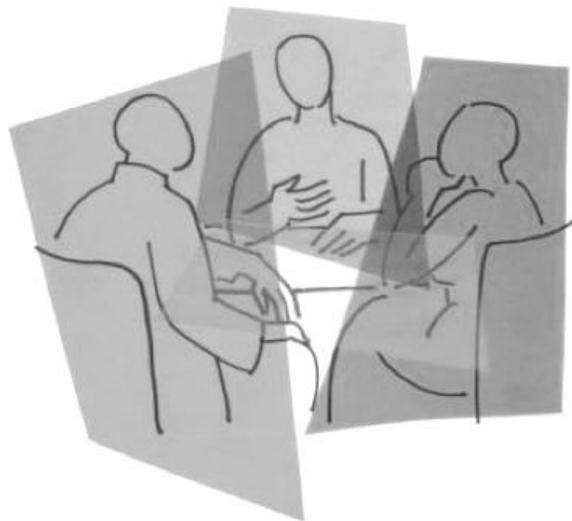
External Barriers

These are barriers that come from outside of ourselves. They can include bureaucratic requirements like costs, or documents that are written in a way that are hard for you to easily understand.

Internal (Personal) Barriers

It is just as important to be aware of the barriers that are inside us.

We can get stuck in fear, like fear of someone's reprisal, fear of being embarrassed, or fear of not being heard. Sometime moods swings interfere with presenting yourself in the best way. Lack of trust or just thinking you are not up to the challenge may stop you from moving forward. Lack of support, or thinking you do not have enough knowledge about your rights, or about the best approach to take may get in your way. You may not be sure what questions to ask, or about having a good enough vocabulary, or that you need better communication skills. These are all things you can learn.



Conflict Management

Conflict means a disagreement or opposing interests or ideas between people. Every conflict is a struggle to meet people's goals or needs. Conflict can occur when:

- There are differences about values or beliefs.
- Resources or rewards are scarce.
- People are under a great deal of stress, or they face an uncertain environment.
- There is a breakdown in communications (one of the most common cause of conflict).

Conflict management is a positive process where people work to resolve issues. Conflict is a normal part of living because people have different and opposing goals.

Conflict should not be judged as "good" or "bad," but should be looked at from a wider perspective that looks at the individual and society.

Conflict be constructive or destructive—it can liven up a disagreement or be a deadly quarrel. The Chinese pictogram for conflict has two parts, one meaning ‘danger,’ and the other meaning ‘opportunity.’ Conflict resolution is not just about avoiding danger, or fixing things up—it is about finding and making the best of the opportunity that is built into the conflict.

Conflict management has a set of steps that work on the conflict in an attempt to settle it (see below). Conflict involves not just the real situation, but also *how people understand and feel about it*.

You can develop the skills and attitudes that are needed to deal with conflicts, even difficult ones.

Steps to Manage Conflict

1. Identify the positions (“what are they saying?”) of each side of the people in conflict. Choose an appropriate time and place. Never berate a person—this can make the situation worse.
2. Learn more about the true needs and desires behind each side or person. Identify the conflict, as you understand it. Tell your side of the story without emotion. Describe **what** happened, not **why** it happened.
3. Listen fully to the other side or person’s ideas and feelings about the conflict. Ask questions to get more information and to make sure a point is clear.
4. Together, brainstorm some possible solutions to resolve the situation.
5. Discuss how each solution would affect each side or person, and figure out possible compromises.
6. Agree on a WIN/WIN solution (see below), so both sides or people get what they want.
7. Try the solution.
8. Meet again to re-evaluate the solution, if the conflict is still there.

Styles of Conflict Management

1. Win/Lose

In this style, only one person or side gets what they want, so power is the key thing. It can be physical power, the power of an authority, or mental power. Sometimes this style is the only choice if there are scarce resources. It can also be the only choice if the other side or person wants to defeat you, and you have to fight back.

2. Lose /Lose

In the Lose/Lose style, nobody wins. An example is family members in a conflict deciding never to talk to each other again.

3. Compromise

In this style, both people or sides get *some* of what they want, but they also lose out on getting something they really want or need. Some compromises can work out for both sides, like agreeing with a seller on a “middle” price for something you want to buy. The problem with compromises is that there are many bad ones, where both sides or people lose.

4. Win/Win

This can be a style that results in the least amount of conflict, because *both* people or sides work together to find a solution to get what they want. It is also called collaboration, because people do not try to win at the cost of the other person losing. Win/Win goes beyond compromising and lets both people or sides reach their goals or needs. Working together means you can be creative in finding the best solution for a conflict or problem. (See *Problem Solving and Decision-making Skills*, above, and *Steps to Manage Conflict*, above).

Whose Interest?

Sometimes it’s good to explore the other person’s interests. This can be helpful because you may find out that your interests, wants or needs are not that different from the other person’s. You may also discover you have some interests in common, and that there may not be a conflict at all.

There is a story about two people who both wanted one orange and were having a conflict about who was going to get the orange. After arguing, they decided to stop and listen to each other’s point of view. They discovered that one person just wanted the orange peel to use for baking, and the other person wanted the inside of the orange to eat. The conflict ended and both people got what they wanted.

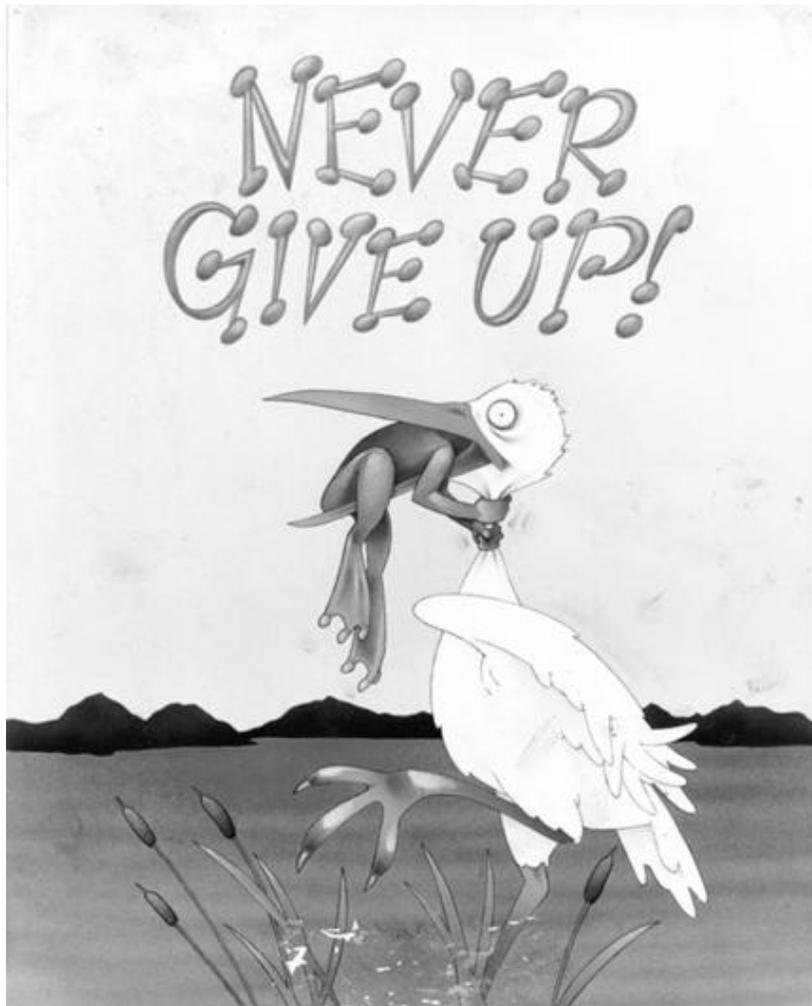
Power

There are many kinds of power to consider in different situations. Do not ignore them. Legal, political, financial, regulatory, moral, corporate, medical, and other authorities all have power. And so do you. It’s important to be aware what power you have and what power the other people have. This is not to discourage you from moving forward, but knowing what you are facing may help you figure out the best strategy and tactics to use in a particular situation.

Taking Action

Now that you know your rights, and have resources and skills to use, it's time to take action!

- You **can** become an advocate for yourself and/or others.
- You do not have to be fully functional. Do what you can **now**.
- Find out what do you need to do for yourself and others.
- Identify available resources:
 - friends and/or family
 - support groups
 - self-help organizations
 - professionals
- Be persistent!!!



Part 4—Resources

Here are some sources where you can get help and information to start advocating for yourself. There is some other information in the “Sources” section (see below).

1. Self Help Alliance

Waterloo Region Self Help
67 King Street East, 1st Floor
Kitchener 519-570-4595

Opening New Doors
67 King Street East, 1st Floor
Kitchener 519-570-4595

Wellington-Dufferin Self Help
In Guelph:
24 Douglas Street 519-763-4014

In Orangeville:
5 Faulkner Street 519-940-4811

Cambridge Active Self Help
1–9 Wellington Street (Galt) 519-623-6024

Mood Disorders Association
67 King Street East, 2nd Floor
Kitchener 519-884-5455

2. The Telephone Book

In the blue pages, there are lists of federal, provincial and local agencies and services.

3. Your Local Library

Librarians can help you find information.

4. The World Wide Web

There are locations in communities where you can get free computer access, like the Self Help Alliance, some community centres, and libraries.

5. People you know

These could be friends or family, people you’ve met at a group, or a professional.

Sources Used

Articles, Manuals, Pamphlets

Canadian Consumer Handbook. Government of Canada, Office of Consumer Affairs. 2007

Employment Rights: Career Centre Tipsheet. University of Toronto, 2008.

Rights and Responsibilities: Mental Health and the Law. Ontario, no date.

Self advocacy: Technical Assistance Guide. National Mental Health Consumers' Self-Help Clearinghouse.

Sexual Harassment (pamphlet). Kitchener-Waterloo Sexual Assault Support Centre.

What Tenants Need to Know About the Law (pamphlet). Community Legal Education Ontario. 2007

Web Sites

Adapted from Positive Coping Skills Toolbox. VA Mental Illness Research, Education, and Clinical Centers (MIRECC): <http://www.athealth.com/Consumer/disorders/problemsolving.html>

Canadian Mental Health Association: <http://www.ontario.cmha.ca>

Consumer Protection Legislation: http://www.gov.on.ca/mgs/en/ConsProt/STEL01_131965.html

FIPPA: <http://www.gov.mb.ca/chc/fippa/index.html>

Government of Canada: <http://canada.gc.ca/home.html>

Government of Ontario: <http://www.gov.on.ca>

Legal Aid: <http://www.legalaid.on.ca/en/getting/>

Ontario Association of Children's Aid Societies: <http://www.oacas.org/>

Ontario Human Rights Legal Support Centre: <http://www.hrlsc.on.ca/en/index.htm>

ODSP: <http://www.mcsc.gov.on.ca/mcss/english/pillars/social/odsp>

Wikipedia: http://en.wikipedia.org/wiki/Main_Page