

The rights of users with regard to health and social services

Users of the health and social services network have rights granted to all citizens of Québec by the Charter of Human Rights and Freedoms and the Civil Code of Québec. These fundamental rights are:

- the right to life and inviolability and the right to assistance;
- the right to personal inviolability and freedom;
- the right to respect and dignity;
- the right to the respect for one's private life and the right to the non-disclosure of confidential information;
- the right to freedom, including freedom of conscience, religion, opinion, expression, peaceful assembly and association;
- the right to equality.

These give rise to the following specific rights, set out in the *Act respecting Health Services and Social Services*¹:

- the right to be informed about the services available and the conditions governing access to them (section 4);
- the right to receive, with continuity and in a personalized and safe manner, services which are scientifically, humanly and socially appropriate (section 5);
- the right to choose the professional or institution (section 6);
- the right to receive required emergency care (section 7);
- the right to be informed of any accident having occurred during the provision of services that has actual or potential consequences for one's state of health (section 8);
- the right to be informed of one's state of health to be able to freely give informed consent regarding care (section 9);
- the right to participate in any decision affecting one's state of health (section 10);
- the right to be accompanied and assisted by the person of one's choice to obtain information or take steps in relation to any service provided (section 11);
- the right to be represented in the exercise of a right (section 12);
- the right to services in English (in keeping with the access developed regionally) (section 15);
- the right to the confidentiality of one's record (section 19);
- the right to access one's record (sections 17 to 28);
- the right to recourse, to make a complaint, to be informed of the procedure for examining complaints and to be accompanied and assisted to do so (sections 33 and 34).

1/ R.S.Q., c. S-4.2.

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The law, however, put certain limitations on these rights. Thus, the right to health services and social services and the right to choose the professional and the institution, as provided in sections 5 and 6, are exercised in keeping with the legislative and regulatory provisions relating to the organizational and operational structure of the institution and the human, material and financial resources at its disposal (section 13). The professional remains free to accept or decline to treat a person according to his ethical obligations, unless the person's life is in danger.