



Restraints: Your Rights When In a Psychiatric Facility

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What is a restraint?

- Under the *Mental Health Act* “to restrain” means to place under control when necessary to prevent serious bodily harm to the patient or to another person by the minimal use of such force, mechanical means or chemicals as is reasonable having regard to the physical and mental condition of the patient. This type of restraint is not a treatment.
- The doctor and members of the clinical team must take into consideration your mental and physical condition in order to determine the type of minimal restraint that is necessary to prevent harm to yourself or others.
- Restraint can be by force (for example, being held down by staff), or mechanical (for example, being tied to a chair; being strapped to your bed), or environmental (for example, being locked in a seclusion room). Restraint can also be chemical when medication is given to you either orally or by needle.

When can restraints be used?

- In situations where your behaviour poses an immediate serious threat to your own safety or serious threat to the safety of others, staff may use restraints to bring your behaviour under control.

Can I be restrained if I am a voluntary or informal patient?

- If you are a voluntary or informal patient, the *Mental Health Act* does not authorize a psychiatric facility to detain or restrain you.

- However, staff have a duty under the common law to restrain a patient when they feel that such immediate action is necessary to prevent serious bodily harm to you or others. However, following the restraints, a doctor must immediately assess you to see if the criteria for being made an involuntary patient apply to you. If not, then the restraints should be immediately discontinued.

What protections are available to me when staff put me in restraints?

- Restraints may only be used where there is concern that you would seriously harm yourself or others.
- In every instance, staff are required to use the least restraint possible and discontinue the restraint as soon as your behaviour is under control.
- Staff must assess your mental and physical condition to determine the least restraint necessary to use.
- Staff must never use restraints as a punishment or as cruel, inhumane or degrading treatment.

What should staff do to support me while I am subject to restraints?

- The law requires that while you are a patient in a psychiatric facility, it is the role of the facility to provide you with observation, care and treatment.
- Care and observation means that while you are in restraint you should be observed by staff to ensure that the restraints do not cause you physical pain or harm.
- You have the right to speak to the doctor and any staff about your experience in restraints. Staff should assess your condition regularly so that the restraints may be discontinued at the earliest possible time.
- Staff should provide counseling to you throughout the period when restraints are used, including telling you what behaviour resulted in placing you in restraint and assurance that as soon as you have regained control of your behaviour restraint will be discontinued.
- Staff should also tell you what sort of behaviour they are looking for to indicate that you have regained control and are no longer at risk of harming yourself or others.
- The *Mental Health Act* requires that staff document in your record of personal health information:
 - a statement that you were restrained,
 - the type of restraint being used,
 - describe your behaviour, which required you to be restrained, and

- if using a chemical restraint - the type, dosage, and method (i.e., injection or by mouth)
- Staff should respond to your personal care needs while you are in restraints. These include giving you fluids, meals, access to hygiene activities, exercise, fresh air, limb massage, appropriate clothing and rotation of restraints.

May I express a preference about the type of restraint that is given to me?

- Yes. If you have a strong preference for one form of restraint over another, you may ask that staff respect your choice.

How will I know when I am given a chemical restraint and not treatment?

- Staff should inform you at all times when the medications are being offered as treatment or restraint. You have the right to ask for the purpose of the medication to be explained to you.

What options do I have if I think there were problems about the use of restraints in my situation?

- If you feel that the restraints used were excessive, used longer than necessary or not justified, you can:
 - if you are a patient in a current or former provincial psychiatric hospital, request that staff call the Patient Advocate.
 - if you are a patient in any other psychiatric facility (for example, a psychiatric unit in a general hospital), request that staff call the patient representative or patient relations officer who can help you contact a lawyer.
 - express your concerns to staff.
 - see the PPAO's Rights Guide: Complaints Against a Health Care Professional

Questions?

If you have questions contact your local Patient Advocate or Rights Adviser or call the central Psychiatric Patient Advocate Office at 1-800-578-2343.