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## Developing a Code of Conduct

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# Outline

- Definitions
  - The Law – statute and common law
  - Legal Relationships within the Hospital
  - The Lori Dupont Inquest
  - A Code of Conduct Policy
    - Principles
    - Elements
    - Interfaces



# Definitions – Disruptive Behavior

- Places personal safety at risk; and/or
- Interferes with the effective delivery of the business of the Hospital;
- Includes acts and threats of:
  - Violence
  - Abuse
  - Harassment, or
  - Other unprofessional conduct



# The Legal Landscape

- Statutes:
  - *The Public Hospitals Act*
  - *The Occupational Health and Safety Act*
  - *The Ontario Human Rights Code*
  - *The Regulated Health Professionals Act*
  - *The Criminal Code*

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# The Legal Landscape (cont.)

- The Common Law
  - Action framed in negligence, civil assault or battery
  - Action framed in negligence against employer
  - Claim for damages – physical and mental injury

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# Legal Relationships in the Hospital

- Employment
  - Union
  - Non-union
- Independent Contractors – By-Laws
  - Physicians
  - Dentists
  - Midwives, etc

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# The Dupont/Daniel Inquest

- Recommendations Highlights
  - PHA review – criteria, process, action
  - By-Law review – patient/staff safety
  - Assessment/Treatment the PHP
  - Code of Conduct Policy
  - Education/Training, in service, colleges, etc.

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# The Dupont/Daniel Inquest (cont.)

- Statutory review, OHSA, Criminal Code;
- drug use and handling;
- CPSO reporting;
- MAG review, restraining orders, training;
- review of security measures.

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# Dupont/Daniel Civil Action

- Parties: CEO, VP- HR, VP-Nursing, Medical Director, Chief of Staff, Pres. Medical Staff, MAC members
- Claims: negligence, intentional tort, reckless conduct
- Damages: General \$1,000,000;  
Punitive \$ 1,000,000.

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# Code of Conduct Policy

- Principles:

- Hospital wide applicability,
- Commitment to a professional, dignified, respectful, workplace,
- Personal Accountability

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# Code of Conduct Policy (cont.)

- Elements:
  - Policy statement and definitions,
  - Complaint procedure; notice, investigation, resolution,
  - Minor vs. major complaints,
  - Staged vs. immediate response
  - Confidentiality and documentation



# Code of Conduct Policy (cont.)

- Interface:
  - Employees non-union,
    - Common law
  - Employees union,
    - Collective agreements
  - Appointed professionals
    - PHA and By-Laws.

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