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
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
Legal Relationships in the Hospital

• Employment
  – Union
  – Non-union

• Independent Contractors – By-Laws
  – Physicians
  – Dentists
  – Midwives, etc
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.
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.
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.
Code of Conduct Policy

• Principles:
  – Hospital wide applicability,
  – Commitment to a professional, dignified, respectful, workplace,
  – Personal Accountability
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.