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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





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

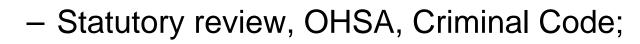


- Recommendations Highlights
 - PHA review criteria, process, action
 - By-Law review patient/staff safety
 - Assessment/Treatment the PHP
 - Code of Conduct Policy
 - Education/Training, in service, colleges, etc.

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The Dupont/Daniel Inquest (cont.)



- 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

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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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