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UPDATE: IMPLEMENTING AND ENSURING COMPLIANCE WITH THE DUPONT RECOMMENDATIONS

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In our *Communiqué* dated February 26, 2008, we outlined the recommendations arising from the Coroner's Inquest into the death of Lori Dupont. It is clear that the jury's recommendations have placed an increased focus on health care institutions to effectively manage workplace violence and disruptive professional behaviour, whether from physicians or other professional staff. These issues are currently being addressed by health care institutions in the context of labour relations, professional staff processes, as well as corporate policy.

This *Communiqué* underscores initial recommendations that organizations should be:

- i) updating their bylaws, policies and Rules and Regulations. This includes ensuring that there are comprehensive workplace violence and abuse and harassment policies in place; and
- ii) developing or revisiting Code of Conduct policies to reflect the jury's recommendations.

Miller Thomson has been working with organizations to implement the Dupont recommendations and would be pleased to assist your institution in the following areas:

Administrative and Professional Staff Bylaws

- ◆ Reviewing bylaws and suggesting amendments with respect to:
- ◆ Responsibilities of the Board
- ◆ Duties of the Chief Executive Officer
- ◆ Appointment and Re-Appointment Processes
- ◆ Responsibilities of the Chief of Staff and Department Chiefs

Rules and Regulations

- ◆ Incorporating expectations regarding professional behaviour and professional performance;
- ◆ Outlining appropriate actions in response to disruptive professional behaviour, including revocation or suspension of privileges or remedial steps.

Code of Conduct

- ♦ Establishing a Code of Conduct - a single standard regarding expectations for all staff, volunteers and independent contractors and outlining the response applicable across the organization in managing workplace violence and abuse and disruptive professional behaviour. This involves a process for reporting, investigating and dealing with concerns and complaints.
- ♦ Assisting in developing a comprehensive implementation plan for the Code of Conduct and corresponding policies and procedures; and
- ♦ Providing organizational training and education with respect to the Code of Conduct and process and related policies.

It is essential for organizations to review their current by-laws and policies to ensure that the issues reviewed through the Dupont inquest are being addressed effectively. As such, we invite hospitals and other health care facilities to contact our Health Industry Practice Group to discuss a comprehensive Code of Conduct review. For more information, please feel free to contact Joshua Liswood, Kathryn Frelick, Shane Smith, Janela Jovellano or Jesstina McFadden.

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Our National Health Industry Practice Group is dedicated to providing comprehensive and integrated legal services to health industry clients. For more information about our group, visit our website at www.millerthomson.com or contact one of our regional contacts:

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