

## Whistleblowing Policy

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### Policy

Riverside Health Care (RHC) is committed to the highest standards of professional, ethical and legal conduct and behaviour on the part of its board members, employees, medical/dental staff, volunteers and students.

This policy provides individuals with the opportunity to report actual or reasonably suspected wrong doing or misconduct in good faith.

This policy includes the whistleblowing protections required in the Long-Term Care Homes Act, 2007 (LTCHA).

### Purpose

To encourage and enable reporting within RHC relating to breaches or suspected breaches as identified in this policy.

To ensure that there is no retaliation against those who report in good faith and that confidentiality is maintained to the greatest extent possible.

To ensure compliance with the reporting and whistleblowing provisions of the LTCHA.

The whistleblowing policy:

- applies to all board members, officers, employees, professional staff, physicians, nurse practitioners, dentists, contractors (medical professionals included), consultants, students and volunteers (hereafter referred to as "Individual");
- applies to patients, residents and clients (hereafter referred to as "client"); and
- applies to members of the public.

This policy is intended for use where standard RHC reporting mechanisms do not result in an outcome acceptable to the complainant or are not an appropriate mechanism.

This policy does not supersede any other reporting mechanism covered by RHC policy or legislation.

### Responsibilities

#### Reporting Requirements

- Any individual who is aware of or suspects wrongdoing or misconduct is responsible for disclosing the breach as soon as they become aware.
- Patients, family members, suppliers and other stakeholders are also encouraged to report any actual or suspected wrongdoing or misconduct.
- Reporting shall be made in accordance with this policy or alternate RHC policies.
- All reporting under this policy will be made directly to the CEO. Where the matter involves the CEO, reporting will be made directly to the Board Chair. Where a report is made to another employee, manager, senior manager, board member or committee it should be forwarded to the CEO or Board Chair as is appropriate.

- Reports shall be made in person, by mail, email or by phone at any time to the CEO or Board Chair. This reporting mechanism is separate from that required under the LTCH.
- Section 24(1) of the LTCHA requires certain persons to make immediate reports to the MOHLTC Director where there is a reasonable suspicion that certain conduct or event occurred or may occur. Section 24(1) is set out in Appendix A of this policy. For clarification about who must report see section 105 of the LTCHA regulation, which is also included in Appendix A. Staff should immediately report through this policy any conduct or events that shall lead to a mandatory/immediate report under section 24(1).

### Response to Complaints

Where feasible and appropriate, RHC will inform the individual who made the report about the results of an investigation and the steps taken to address the conduct in question.

### Reporting of Interference or Retaliation

Any individual that becomes aware of or that is subject to interference or retaliation before or after submitting a report should immediately inform the CEO or Board Chair.

### **Examples of Wrong Doing or Misconduct**

Wrong doing or misconduct shall include any of the following:

- breach of client and/or staff privacy or confidentiality;
- abuse and neglect of clients, staff, visitors or the public (zero tolerance);
- posing a risk to staff, visitors or the public including improper or incompetent care or service;
- any actions that shall have an adverse impact on the environment including the disposal or destruction of dangerous goods or products in violation of legislated requirements;
- breach of RHC policies, procedures, standards, by-laws;
- breach of legislation, government policy or other regulatory requirements;
- financial misconduct including questionable financial, internal accounting controls or audit practices;
- fraud, falsification of records, misappropriation of funds, theft or unauthorized use of equipment or supplies, falsification of payroll records, and abuse of expense accounts;
- 'side deals' or 'under the table' dealings with contractors for personal benefit, including receiving kickbacks or gifts;
- undisclosed conflict of interest;
- malpractice;
- violation of human resource policies and legislation including racial and sexual harassment and discrimination of any kind;
- criminal offenses;
- matters that are a danger to health and safety;
- breach of a legal obligation including breach of contract and negligence;
- required mandatory reporting under the LTCHA (please refer to sections 24(1) and 105 of the Act);
- any other improper behaviour or activity that is identified; and
- any form of retaliation against a person for making a report under this policy.

RHC employees that report improper behaviour or activities in good faith will be protected from threats or acts of retaliation, discharge or other types of discrimination. No employee or other person shall be adversely affected because he/she refused to carry out a directive that is a direct violation of RHC policy.

Any employee or other person that is concerned about the confidentiality of the information they provide is encouraged to discuss the matter with the President and CEO (CEO) or Board Chairperson (Board Chair).

## **No Interference or Retaliation**

No individual shall take, threaten and/or infer any actions that will discourage another individual from reporting a wrong doing or misconduct.

RHC will protect individuals, including employees, clients, family members, from retaliation where the individual:

- reports in good faith;
- discloses information to the appropriate individual including a long term care inspector or Ministry of Health and Long Term Care Director; and
- provides evidence under this policy including during a coroner's inquest and under the jurisdiction of the LTCHA.

Individuals that retaliate against another Individual for reporting in good faith will be subject to discipline.

It is an offence under the LTCHA to discourage or suppress a section 24(1) report.

## **Confidentiality**

All individuals will keep reports confidential to the extent possible, consistent with the RHC's legal and ethical responsibilities, including the need to conduct an effective investigation.

RHC will not tolerate any attempt by another individual or group to identify a complainant that reports on a confidential basis.

RHC will accept, review and address anonymous and/or confidential reports; however, it should be noted that such complaints may limit both the investigation and resolution.

## **Publicizing the Process for Reporting Complaints**

A copy of this policy will be made available through the Board & Administration Policy Manual, on the intranet and on the public website.

RHC will make known to individuals, clients and members of the public the process for reporting complaints on a confidential basis. This information will make it clear that no one will be penalized for making a good-faith report of a complaint, nor will the RHC tolerate retaliation against anyone who makes a good faith report of a Complaint.

RHC will periodically (at least annually) communicate reminders to RHC stakeholders of the process for reporting complaints.

## **Staff Orientation & Training**

Staff members will receive orientation and annual re-training related directly to this policy and the LTCHA with a focus on:

- internal reporting procedures;
- reporting obligations; and
- protections provided by RHC policies, procedures, the LTCHA and any other legislation or regulations.

**Definitions**

- Disclosure - Communication of information raised in good faith, based on a reasonable belief by one or more individual, concerning actual or reasonably suspect wrongdoing or misconduct.
- Whistle blower - An individual who discloses, in good faith, information about a suspected or actual wrong doing or misconduct.

**Supporting Documents**

The following document supports this policy:

- Whistleblowing Process – Board & Administration Manual

## APPENDIX A:

### LONG-TERM CARE ACT MANDATORY/IMMEDIATE REPORTS

- 1) **The first excerpt sets out the matters that must be immediately reported to the Ministry of Health and Long Term Care (MOHLTC) Director - section 24(1). The second excerpt sets out certain staff to which this requirement does not apply – section 105 of the regulation and the definition of “staff” from the LTCHA.**
- 2) **Reporting certain matters to MOHLTC Director**
  - a) 24. (1) A person who has reasonable grounds to suspect that any of the following has occurred or may occur shall immediately report the suspicion and the information upon which it is based to the Director:
    - i) Improper or incompetent treatment or care of a resident that resulted in harm or a risk of harm to the resident.
    - ii) Abuse of a resident by anyone or neglect of a resident by the licensee or staff that resulted in harm or a risk of harm to the resident.
    - iii) Unlawful conduct that resulted in harm or a risk of harm to a resident.
    - iv) Misuse or misappropriation of a resident's money.
    - v) Misuse or misappropriation of funding provided to a licensee under this Act or the Local Health System Integration Act, 2006. 2007, c. 8, ss. 24 (1), 195 (2).
- 3) **Non-application re: certain staff**
  - a) 105. Paragraph 4 of subsection 24 (5) of the Act does not apply to a staff member who,
    - i) falls under clause (b) or (c) of the definition of “staff” in subsection 2 (1) of the Act;
    - ii) only provides occasional maintenance or repair services to the home; and
    - iii) does not provide direct care to residents. O. Reg. 79/10, s. 105.
    - iv) “staff”, in relation to a long-term care home, means persons who work at the home,
      - (1) as employees of the licensee,
      - (2) pursuant to a contract or agreement with the licensee, or
      - (3) pursuant to a contract or agreement between the licensee and an employment agency or other third party; (“personnel”).