

WHISTLE-BLOWING PROTECTION POLICY AND PROCEDURES

Purpose

This policy establishes and maintains a process that protects individuals when they report conduct that may pose a risk of harm to residents or staff or to the operation of the Region's long-term care homes (Homes).

DEFINITIONS

Discriminatory treatment

Including but not limited to any change or discontinuation of any service to or care of a resident, or the threat of any such change or discontinuation.

Retaliation

Actions such as dismissing a staff member, disciplining or suspending a staff member, imposing a penalty on any person, or intimidating, coercing or harassing any person.

Disclosure

Information communicated by any method, including mandatory reports, making a complaint to the Ministry of Long-Term Care (the Ministry) or calling their action hotline.

Policy

The key points of this policy are as follows:

1. Reporting: The Homes must comply with the Ministry's mandatory and critical reporting requirements, as outlined in the *Mandatory and Critical Incident Reporting Policy and Procedures*, in accordance with the *Fixing Long-Term Care Act, 2021* and/or other applicable legislation

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2. Protection against retaliation: No person will retaliate against another person or threaten to do so for. Staff will not be penalized or disciplined for reporting in good faith conduct that may pose a risk of harm to residents, staff or to the operation of the Region's long-term care homes
- Disclosing information to personnel of the Ministry, a Director, Inspector, Family Council, Residents' Council or any other individual or entity that is provided for under the *Fixing Long-Term Care Act, 2021* or its regulations
 - Giving evidence at a proceeding, including a legal proceeding or a coroner's inquest
 - Disclosing concerns to a Charge Nurse, Team Lead or a member of the Homes' management team about conduct that poses a risk of harm to residents or staff or to the operation of the Homes
 - For clarity, staff will not be penalized or disciplined for reporting in good faith conduct that may pose a risk of harm to residents, staff or to the operation of the Region's long-term care homes.
 - Retaliation against anyone who reports conduct that may pose a risk of harm to residents or staff or to the operation of the Region's long-term care homes will be considered a serious violation of this policy and will not be tolerated
- Note:** The Region may investigate any false complaints or allegations which are suspected to be frivolous or vexatious.
3. Protection against retaliation for residents: No resident will be discharged from the Home, threatened with discharge, or subjected to discriminatory treatment while living in the Home for sharing information or giving evidence as set out in Policy item #2, above, regardless of their intentions, and no family member of a resident, substitute decision-maker of a resident, or person of importance to a resident shall be threatened with the possibility of any retaliation to the resident
4. No interference: Members of the Homes' management team, staff and Committee of Management shall not do the following:
- Coerce or intimidate a person not to make a report
 - Discourage or attempt to discourage a person from making a report
 - Discourage or attempt to discourage a person from disclosing or giving evidence at a proceeding
- Note:** The following actions are offences under the *Fixing Long-Term Care Act, 2021*:
- Retaliation against an individual for disclosing anything or giving evidence at a proceeding

- Attempts to prevent another person from providing information to the Ministry Director or Inspector where it is required or permitted by the *Fixing Long-Term Care Act, 2021*
 - Discharging or threatening to discharge a resident from a Home or subjecting a resident to discriminatory treatment for disclosing anything or giving evidence at a proceeding
5. Confidentiality: To the extent possible, the Home will maintain confidentiality of any reports or complaints received within the scope of the Region's policies and the law:
- Although the Home cannot assure complete confidentiality, all parties involved in any complaints or investigation processes will be advised that information may need to be disclosed on a need-to-know basis, including for the purposes of investigation or compliance with legal requirements
6. Labour Relations: Employees who believe they have been retaliated against for reporting should contact their supervisor, management, or union representative, if any

Procedures

This section contains procedures for responding to retaliation

All Long-Term Care Staff, Residents, Substitute Decision-Makers, Family members, Members of the public, Students, Volunteers, Residents' Councils, and Family Councils will:

- Immediately inform a member of the Home's management team if you experience any form of retaliation:
 - Before or after disclosing anything to a Director, Inspector, member of the Ministry, Family Council, Residents' Council, a Charge Nurse or a member of the Home's management team, or are aware of any retaliation against another person for such disclosure
 - After giving evidence at a proceeding, including a legal proceeding or a coroner's inquest, or are aware of any retaliation against another person after giving such evidence

LTC Management will:

- Investigate allegations of retaliation and take appropriate steps to ensure this policy is enforced

Roles and Responsibilities

All LTC Staff

- Protect staff members from harassment, coercion, penalty or discipline or any other form of retaliation or threats of retaliation for disclosure of anything to an inspector, Director, Family Council, Residents' Council, or member of the Ministry, or their giving evidence in a proceeding under the *Fixing Long-Term Care Act, 2021* or during a coroner's inquest
- Protect residents (and their family members, Substitute Decision-Makers and persons of importance) against any threats or discrimination in connection with the resident's disclosure of anything to an inspector, Director, Family Council, Residents' Council, or member of the Ministry, or their giving evidence in a proceeding under the *Fixing Long-Term Care Act, 2021* or during a coroner's inquest

Social Workers and Admissions Coordinator

- Review this policy with each resident and/or their substitute decision-maker upon admission

Policy Team

- Post this policy in an accessible place within each Home

Seniors Services Education Team

- Inform Long-Term Care staff and students of this policy at Orientation

Volunteer Coordinator

- Inform Volunteers of this policy at Volunteer Orientation sessions

Administrator (or designate)

- Inform Residents' and Family Councils of this policy

AUTHORITY

Fixing Long-Term Care Act, 2021; General Regulation 246/22; Commission on Accreditation of Rehabilitation Facilities International Aging Services Standards Manual, as current; and York Region Seniors Services Administration.