

Whistle-Blowing Protection Policy and Procedures

Manual	All LTC Staff - Administration	Policy Number	None (V.17)
Applies to	All Long-Term Care Staff; Other partners providing care; Residents; Substitute Decision Makers; Family members; Members of the public; Students; Volunteers; Residents' Councils; and Family Councils		
Effective Date	July 28, 2022	Replaces	January 1, 2016

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	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 (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 and encourage people to report conduct that they believe poses a risk of harm to residents or staff or to the operation of the Homes. Examples of this include:

- Improper or incompetent treatment or care of a resident resulting in harm or risk of harm to the resident
- Abuse of a resident by anyone or neglect of a resident by anyone in the Homes
- Unlawful conduct that resulted in harm to a resident
- Misuse or misappropriation of a resident's money
- Misuse or misappropriation of funding provided to the home under the *Fixing Long-Term Care Act, 2021* (FLTCA), or other applicable acts

2. No retaliation: No person will retaliate against another person, or threaten to do so

for:

- Disclosing information to personnel of the Ministry of Long-Term Care (MOLTC), a Director, Inspector, Family Council or Residents' Council
- 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

3. Protection from actions or proceedings: No action or other proceeding will be started against anyone for disclosing anything or giving evidence at a proceeding, as described in Policy #2 above, unless the person acted in bad faith or maliciously. An employee who makes a report in bad faith or maliciously may be subject to disciplinary action, which may include termination

4. No retaliation against residents: No resident shall be discharged or threatened with discharge from a Home, or be subjected to discriminatory treatment for disclosing anything or giving evidence at a proceeding, as described in Policy #2 above, even if the resident acted maliciously or in bad faith. Similarly, family members, substitute decision-makers (SDMs) and individuals of importance to the resident shall not be threatened with the possibility of any of these things being done to the resident

5. No interference: Members of the Homes' management team, staff members and Committee of Management members shall not do the following:

- Coerce or intimidate a person not to make a report described in Policy #1 above
- Discourage or attempt to discourage a person from making a report described in Policy #1 above
- Discourage or attempt to discourage a person from disclosing anything or giving evidence at a proceeding as described in Policy #2 above
- Encourage or attempt to encourage a person to not disclose anything or give evidence at a proceeding as described in Policy #2 above

6. Offences under the FLTCA: The following actions are considered to be offences under the FLTCA:

- Retaliation against an individual for disclosing anything or giving evidence at a proceeding, as described in item #2 above
- Attempts to prevent another person from providing information to the MOLTC Director or Inspector where it is required or permitted by the FLTCA

- 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, as described in item #2 above
7. **Confidentiality:** The Home will accept reports of violation of this policy anonymously or confidentially and will keep all reports confidential to the extent possible, subject to the need to conduct an effective investigation or to take action to comply with MOLTC requirements
8. **Labour relations:** Any staff member who believes that the Home has retaliated against him or her in a way that is contrary to their obligation to report may attempt to resolve the issue by arbitration under the collective agreement or file a complaint to the Ontario Labour Relations Board

PROCEDURES: This section contains procedures for the following:

A. Making Reports and Disclosure of Information

B. Responding to Retaliation

A. Making Reports and Disclosure of Information:

The Homes will:

- Follow the Homes' policies and procedures for making mandatory and critical reports and reporting complaints received by the Homes to the Ministry

B. Responding to Retaliation:

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

- **For retaliation before disclosure:** 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 MOLTC, 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
- **For retaliation after giving evidence:** immediately inform a member of the Home's management team if you experience any form of retaliation 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:

Role	Responsibilities
All LTC staff	<ul style="list-style-type: none"> • 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 MOLTC, or their giving evidence in a proceeding under the FLTCA or during a coroner’s inquest • Protect residents (and his or her family members, SDM and persons of importance) against any threats or discrimination in connection with the resident’s disclosure of anything to an inspector or the MOLTC Director, or his or her giving evidence in a proceeding under the FLTCA or during a coroner’s inquest
Social Worker and Admissions Coordinator	<ul style="list-style-type: none"> • Review this policy with each resident and/or their substitute decision maker upon admission
Administrative Assistants	<ul style="list-style-type: none"> • Post this policy and the Whistle-Blowing Information poster in an accessible place within each Home
Education Programs Specialist	<ul style="list-style-type: none"> • Inform Long-Term Care staff of this policy at Orientation
Volunteer Coordinator	<ul style="list-style-type: none"> • Inform Volunteers at Volunteer Orientation sessions
Administrators	<ul style="list-style-type: none"> • Inform Resident and Family Councils of this policy

Authority	<i>Fixing Long-Term Care Act, 2021, sections: 26, 27, 28, 30, 31, 32, 82, 83, 84, 85; O. Reg 246/22, sections: 107, 108, 117</i>
Related Resources	<ul style="list-style-type: none"> • Resident Welcome Package • Related Home Policies: Receiving and Reporting Complaints Policy; Mandatory and Critical Incident Reporting Policy; Zero Tolerance for Abuse and Neglect Program



COMMUNITY AND HEALTH SERVICES DEPARTMENT
PARAMEDIC AND SENIORS SERVICES BRANCH
Long-Term Care

	<ul style="list-style-type: none">• Related Regional Policies: Workplace Conduct (includes Workplace Harassment and Discrimination Policy, Preventing and Managing Violence in the Workplace, and Code of Conduct)		
Policy Contact	Senior Program Analyst	Review Period	Annually