


Title:	Code of Conduct / Violence & Harassment Prevention			
Category:	Administration	Policy Number:	ADMIN-1220	
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Issued by:	Executive Committee	Issue Date:	Dec 2021	
Owner:	OHS	Last Approved:	April 2023	

POLICY STATEMENT

Grey Bruce Health Services (GBHS) is committed to supporting an environment that values integrity, honesty, and fairness and promotes a positive and safe workplace that is reflective of the highest quality of care and free of misconduct, violence and harassment. The process for workplace investigations of alleged misconduct, violence and/or harassment align with the obligations of the OHS Act Sec 32.01 – 32.0.8. Specific details are outlined in the *document* on the DMS entitled “Code of Conduct/Violence & Harassment Prevention Program”. Reprisal for bringing concerns forward in good faith will not be tolerated. An investigation appropriate to the circumstances will be conducted. Employees who have submitted a complaint and the alleged worker of the complaint will receive a summary report of key findings including a determination if the complaint met the criteria of workplace harassment and any actions or corrective action required.

APPLICATION This policy applies to all GBHS staff, physicians, volunteers and affiliates.

DEFINITION OF TERMS


Misconduct - occurs when a person demonstrates unethical, discriminatory, or disruptive behaviour, or behaviour that is harmful to the interest of GBHS. Misconduct is willful and/or intentional hurtful behaviour.

Examples of misconduct include but are not limited to:

- Discrimination; unequal treatment of an individual on the basis of age, ancestry, citizenship, colour, creed, disability, ethnic origin, family status, marital status, place of origin, race, record of offenses, sex, and sexual orientation as defined in the Ontario Human Rights Code.
- Engaging in activities with patients that cross professional lines, aggressive behavior or antisocial behavior, subjecting others to inappropriate jokes, insulting behavior, Obscene language, Public humiliation, comments or gestures that are degrading, malicious or offensive, inappropriate or unlawful use of the internet, violation of copyright laws or licensing agreements.

Workplace Harassment - Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment. The following criteria must all be met to meet the definition of workplace harassment:

- ✓ Persistent
- ✓ Vexatious
- ✓ Against a worker in a workplace
- ✓ Known or ought reasonably to be known to be unwelcome

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Workplace Sexual Harassment - Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Workplace Violence

- The exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to a worker; and/or
- An attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker; and/or
- A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to a worker.

Good Faith – An individual will not knowingly falsify, destroy, or conceal information, make false statements or obstruct or counsel another person to obstruct or withhold the disclosure of information.

KEY INFORMATION

If you witness, or are subject to misconduct, violence or harassment, refer to the *Conflict Resolution Process* (Appendix A). The Conflict Resolution Process outlines the steps required for reporting, investigating, follow-up and documentation.

Where there is a conflict of interest, including but not limited to involvement in the allegations, a qualified person other than the leader will conduct a workplace harassment investigation.

Employees must complete an annual attestation indicating if they have had any criminal charge(s) and/or conviction(s) in the past twelve (12) months. There is an immediate mandatory reporting obligation of the employee to report to their Manager and Human Resources regarding any criminal charge(s) and/or conviction(s) that occur post hire. Participation in assessment of violence risk and/or safety plan development may be required.

Conflict Resolution Process

Our Vision for a Collaborative & Healthy Workplace

We earn complete confidence in each other through civil and respectful interactions. Each of us is accountable to contribute to a positive and healthy work environment.

Employees & Physicians Guiding Principals

All parties will enter into discussions to resolve issues in good faith consistent with our values and Code of Conduct policy. Documentation will be truthful and as accurate/detailed as possible.

All parties are expected to participate in any conversations and/or investigations as requested by the Hospital. Confidentiality will be maintained to the extent possible as required by the investigation.

Leaders and Physician leaders will review and respond to complaints in a timely manner in accordance with this policy. Complaints will first be assigned to the leaders/Physician leaders directly responsible for staff/physicians involved and copied to the next level up for information. Where issues are not resolved, they will continue to be escalated to the next level of authority within the Hospital's reporting structure up to and including the CEO and Chief of Staff.

Discussion

Start with a conversation.

- Approach the discussion with respect and a focus on resolving the concern
- Face to face conversations work best
- Find a mutually convenient time in an appropriate space
- Remember to listen, find common ground, and seek a positive outcome for all parties
- You may choose to bring support for the discussion e.g. your leader, union representative, HR, Professional Practice, Patient Relations

Issues that remain unresolved move to formal documentation in TRIO (Step 2). You will be asked to document your discussions in Step 1 and/or why the discussion didn't happen.

Documentation

Choose *Employee General Incident* in TRIO and choose *Conflict misconduct harassment* as type.

The TRIO documentation will be assigned to the appropriate leadership for follow up and/or investigation.

Leadership will document the summary and findings of the review and/or investigation. The summary of the investigation will be shared with the complainant and alleged worker.

Key Steps

Issues unresolved through Discussion and Documentation move through the following steps:

Step 1; Leadership Review

Leaders copied on the documentation assess and determine the most appropriate lead for next steps.

Step 2; Investigate

The identified lead uses Investigation Template (Appendix B of policy) to conduct the investigation. Each interview requires a separate template.

Step 3; Retain Investigation Notes

The lead sends all investigation files, notes and summary documentation to Human Resources and/or Medical Affairs for retention as required by legislation.

Step 4; Share Summary

Human Resources and/or Medical Affairs shares the Conflict Resolution Summary with the complainant and the alleged harasser.

Appendix B Investigation Interview Template

Please Note: A separate template must be completed for each investigation witness and/or interview

Name of investigator (Leader):

Date of investigation:

A. Background Information:

1. Name of person who reported workplace harassment:
2. If not the same person as above, name of person who allegedly experienced workplace harassment:
3. Date complaint/concern raised and how:
4. Name of worker(s) (complaining or possibly exposed to workplace harassment):
Position/Department:
5. Name of respondent(s) (alleged harasser); Position/ Department: If not a worker – provide details:

B. Investigation Plan: Plan and conduct the investigation (Attach more pages if necessary):

1. Obtain the worker(s) concerns of harassment in writing, if possible. Assistance should be provided in completing the form where necessary.
2. An investigator needs to interview the worker who allegedly experienced workplace harassment and the alleged harasser (if a worker of the employer). If the alleged harasser is not a worker of the employer, the investigator should make reasonable efforts interview him or her.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview those witnesses.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.

6. Take detailed notes.
7. Keep the investigation confidential. Instruct the worker who allegedly experienced workplace harassment, the alleged harasser and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

C. Worker (s) Concerns/Workplace Harassment Allegations (Attach more pages if necessary): When did the incident(s) occur? Confirm date of first incident and any subsequent behaviours or conduct. Note that recalling events of harassment can be stressful for the complainant.

Date of first incident:

Date of last incident:

Date of other incident(s):

D. Alleged Harasser(s) Response: (The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond. Attach more pages if necessary)

E. Interview Relevant Witnesses (Attach more pages if necessary): List witnesses. Interview relevant witnesses and make notes.

F. Collected documentation (Attach more pages if necessary): List the documents collected for the investigation and how or from whom they were obtained.

G. Investigation Result(s) (Attach more pages if necessary): The investigator's summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether workplace harassment occurred.

Summary of key evidence:

Recommended Next Steps:

Provide Completed Report to Human Resources and/or Medical Affairs