



POLICY & PROCEDURE

CATEGORY: ADMINISTRATIVE/OPERATIONAL

ISSUE DATE: March 22,2011

**AUTHORIZED BY:
CHIEF EXECUTIVE OFFICER**

REVISION DATE: June 30, 2022

SUBJECT: WHISTLE-BLOWING PROTECTION

PURPOSE

The purpose of this policy and procedure is to ensure compliance with the whistle-blowing provisions of the *Fixing Long-Term Care Act, 2021* (FLTCA).

POLICY

Perley Health will not retaliate against any staff member, volunteer, or board member who:

- Makes a mandatory report under the FLTCA;
- Discloses of anything to an inspector or the Director of the Ministry of Long-Term Care (MOLTC) or any other representative of the MOLTC, and/or a representative of the Family and Friends Council, Veteran Residents Council, or Community Residents Council; and
- Gives evidence in a proceeding, including a proceeding in respect of the enforcement of the FLTCA and regulations, or during a coroner's inquest.

Perley Health will protect a resident (and his or her representatives) against any retaliation or discriminatory treatment in connection with the resident/representative:

- Disclosing of anything to an inspector or the Director of the MOLTC, any other representative of the MOLTC, and/or a representative of the Family and Friends Council, Veteran Residents Council, or Community Residents Council;
- Giving evidence in a proceeding under the FLTCA or during a coroner's inquest;
- Submitting a concern/complaint about resident care or operational issues; and
- Reporting incidents of abuse or neglect.

Perley Health, staff members and board members will not do anything to discourage any of the following:

- Mandatory reports under the FLTCA;
- Reports of abuse or neglect;
- Submission of complaints/concerns by residents and their representatives; and
- Disclosures to an inspector or the Director of the MOLTC, any other representative of the MOLTC, and/or a representative of the Family and Friends Council, Veteran Residents Council, or Community Residents Council, or the giving of evidence in a proceeding under the FLTCA or during a coroner's inquest.



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Any staff member, volunteer or board member who retaliates against any person, threatens a resident, or discourages a report under the FLTCA is guilty of an offense and may be subject to disciplinary and/or legal action.

Any person who makes a report or discloses information to the MOLTC maliciously or in bad faith, may be subject to disciplinary and/or legal action.

Note for unionized staff: This policy and procedure does not replace any whistle-blower protection clauses in the collective bargaining agreements.

APPLICABILITY/SCOPE

All persons, including but not limited to Employees, Volunteers, Board Members, Residents, Family Members, Members of the Public

DEFINITIONS

Retaliation can include:

- Disciplining a staff member, including suspension or dismissal
- Discharge or threat of discharge of a resident
- Imposing a penalty upon any person
- Threatening, intimidating, coercing or harassing any person

Discriminatory treatment includes any change or discontinuation of any service or care provided to a resident, or the threat of any such change or discontinuation.

Representative of resident: family member, substitute decision-maker (SDM), power of attorney (POA), personal caregiver.



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PROCEDURES

Reporting any form of retaliation

- Non-union staff/volunteers: immediately notify supervisor or a manager
- Unionized staff: refer to procedure outlined in applicable collective bargaining agreement
- Board members: immediately notify the Board Chair or a Vice-Chair
- Residents/representatives: immediately notify the MOLTC and/or a manager

REFERENCES

- *Fixing Long-Term Care Act, 2021* and O. Reg. 246/22
- Collective bargaining agreements
- Perley Health policies and procedures:
 - Resident Abuse and Neglect
 - Workplace Harassment, Sexual Harassment and Discrimination
 - Concerns and Complaints
 - Incident Management

APPENDICES

N/A