



Respectful Workplace Procedures for Medical Staff, Resident Doctors and Medical Students

5.5.3PR

Procedures are a series of required steps to complete a task, activity or action



Purpose:

The Respectful Workplace Procedures are an addendum to the [Respectful Workplace Policy](#), and outlines the procedures for Medical Staff, Resident Doctors and Medical Students to use for addressing respectful workplace concerns as well as for non-medical staff who wish to report respectful workplace concerns regarding medical staff, resident doctors and medical students.

Context:

Island Health offers programs and services on the unceded and traditional territories of the Coast Salish, Nuu-chah-nulth, and Kwakwaka’wakw Peoples.

As a signatory to the 2015 Declaration of Commitment to Cultural Safety and Cultural Humility, Island Health is committed to addressing the ongoing impacts of colonialism and Indigenous-specific racism in order to provide a culturally safe, inclusive, healthy and respectful environment.

The organization is committed to strengthening diversity, equity and inclusion to enable excellence in health and care for everyone, everywhere, every time. Through these commitments, Island Health strives to deliver the highest possible standard of care and to promote safe workplaces.

Scope:

- Audience: This policy applies equally to all persons associated with Island Health (collectively defined as “Individuals”) including:
 - Members of the Island Health Board of Directors;
 - CEO, executives, management and supervisory employees;
 - Employees of Island Health, and those involved with its affiliated programs and agencies, including students;
 - Volunteers of Island Health;
 - Contractors;
 - Physicians with privileges at any Island Health site;
 - Medical staff including physicians on contract, resident and clinical trainees;
 - Post-secondary faculty and support staff who work at Island Health facilities; and
 - Individuals authorized to access Island health information, information systems or equipment.
- Environment:
 - Island Health-wide
- Indications:
 - When addressing respectful workplace concerns relating to medical staff, resident doctors, and medical students
 - For situations that involve patient/client or visitor behaviour towards an “Individual” as defined above, please refer to the [Domestic, Targeted Violence in the Workplace Policy](#), [Visitors who Pose a Risk to Health and Safety in Health Care Facilities](#), and [Workplace Violence Prevention Program](#).

Outcomes:

Following the processes outlined in these procedures will allow Medical Staff, Resident Doctors and Medical Students to raise their respectful workplace concerns in a manner that will provide an objective review of the concern, options for addressing the issue, and appropriate remedies that will support a respectful work environment for all individuals.

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1.0 General

- Island Health is committed to promoting a workplace that is physically, psychologically and culturally safe for all individuals while acknowledging that disagreement and interpersonal conflict are likely to occur in the workplace. These procedures provide navigation to medical staff, resident doctors and medical students regarding Island Health’s Respectful Workplace processes for responding to respectful workplace concerns including allegations of bullying, harassment and discrimination.
- These procedures are also to be used for non-medical staff reporting respectful workplace concerns involving medical staff, resident doctors and medical students. This document is provided to guide participants when members of the Medical Staff of Island Health are involved in a respectful workplace issue. This document highlights key differences in management of these issues through the necessary consideration of the [Medical Staff Rules and the Medical Staff Bylaws](#) for Island Health.
- These procedures are underpinned by Island Health’s desire for all individuals, wherever possible, to be supported in working through their differences together, maintaining an environment of respectful disagreement and constructive management of conflict. The ultimate goal is greater shared understanding, mutual respect, and a productive, rewarding work environment that supports our mission, vision, and values.

2.0 Respectful Workplace Reporting and Resolution Processes

2.1 Individual action

- Local and direct restorative approaches to resolve matters are preferable whenever they are reasonable and safe as they focus on rebuilding and repairing relationships. Anyone who believes they are being subjected to disrespectful workplace behaviour is encouraged, if reasonable and safe, to speak directly with the individual(s) demonstrating the behaviour of concern. Addressing the behaviour quickly and directly is one of the best mechanisms to bring insight to the individual that their behaviour is not acceptable.

2.2 Reporting

- If you have been unsuccessful at speaking to the other party directly, or there is a barrier to you doing so, you may speak to your leader for assistance. If, for any reason, you feel uncomfortable in approaching your leader, you may speak to the next level of leadership or report your concern as follows for Island Health employees or for Medical Staff members:
- **Island Health employees (non-Medical Staff):**
You should report your concerns to the **Provincial Workplace Health Call Centre (PWHCC) at 1-866-922-9464**. The PWHCC triages information to Island Health’s Respectful Workplace Team. The Respectful Workplace Team will refer all concerns where the Respondent is a member of Medical Staff to Enhanced Medical Staff Support (EMSS) for consultation and assessment.
- **Medical Staff:**
You should report your concerns about Medical Staff members to your medical leadership (Section Head, Division Head, Department Head or Medical Director) or to Medical and Academic Affairs at EMSS@islandhealth.ca. Once a report is received about a Medical Staff member, the complainant will be contacted by EMSS for a consultation. The purpose of the consultation is to understand the nature of the concern, what steps the individual may have taken so far, what other processes may be underway and what support the individual is seeking.

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- After reporting the event, the complainant may be required to submit a written submission of their concern. The concern will be assessed in relation to the Respectful Workplace Policy (RWP), applicable legislation and regulations to determine the appropriate process needed to address the issue(s) raised.
- If disagreements arise about how to navigate individual complaint processes or determination of same for concerns about Medical Staff members, the issue will be escalated to the Executive Medical Director, Medical and Academic Affairs.
- Medical staff wishing to report a respectful workplace concern about non-medical staff should report to Respectful Workplace at respectfulworkplace@islandhealth.ca for consultation and assessment. Respectful Workplace will inform EMSS when medical staff have raised concerns about non-medical staff.
- Medical Staff wishing to report concerns of violence, bullying, harassment and/or discriminatory behaviour from patients, clients and/or visitors should report the behaviour to their Medical Lead. The Medical Lead will follow up and determine an action plan to eliminate or address the concern.

2.3 Time Limits for Complaints

- Complaints can be submitted up to one year from the date of last incident. A complaint that does not meet this time limit may still be accepted for consideration under these procedures if circumstances warrant an extension of this deadline.

2.4 Approaches to Resolution

- Approaches to resolution may include:
 - Guidance to support direct resolution by the individual, including referral to resources/training
 - Facilitated conversation hosted by a leader, or a Respectful Workplace or EMSS team member. EMSS team members are part of Medical Affairs, Island Health.
 - Mediation using mediators skilled in conflict resolution
 - Referral outside of Respectful Workplace or Medical Affairs (EMSS) for issues that do not fall within the scope and mandate of the Respectful Workplace Policy
 - Workplace assessment
 - Formal Investigation

2.5 Principles and Key Procedures

2.5.1 Confidentiality and Information Management

- To protect the interests of the complainant(s), the respondent(s), and any others who may be involved, confidentiality will be maintained throughout the resolution processes to the extent practicable and appropriate considering the individual circumstances. Information that must be shared will be disclosed on a “need to know” basis. Parties to a complaint, including witnesses, are prohibited from sharing information or discussing the details of the complaint and may be subject to disciplinary action.
- All records of complaints, including any oral or written information gathered, received or compiled throughout the resolution process shall be maintained in a secured confidential file. Investigation records for employees and medical staff do not form part of an employee or medical staff’s file. Aggregate anonymous data, however, shall continue to be recorded for statistical purposes only. Access to confidential records shall be governed by relevant privacy legislation. All requests for records should be directed to Island Health’s Information Stewardship, Access and Privacy (ISAP) department.

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2.5.2 Withdrawal of Complaints

- At any time during the course of an investigation, the complainant may choose to withdraw their complaint without any adverse consequence unless a factual conclusion has already been made by an appropriate decision maker that the complaint was frivolous, vexatious, vindictive, or made in bad faith.
- In the event that a complainant does not proceed with a complaint or decides to later withdraw a complaint, Island Health may still choose to formally investigate the conduct complained of, if it deems it necessary to ensure the health and safety of persons at the workplace or to comply with applicable laws.

2.5.3 Frivolous, Vexatious, Vindictive and Bad Faith Complaints

- Island Health will view seriously any complaint that is determined to be frivolous, vexatious, vindictive or made in bad faith and any person making such a complaint will be subject to discipline.

2.5.4 Retaliation

- Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated. It will result in corrective action, up to and including dismissal from employment for cause for employees and disciplinary action in accordance with Medical Staff Rules for Medical Staff members.

2.5.5 EMSS and Respectful Workplace Roles

- EMSS will case manage all Medical Staff complaints and investigations where both the complainant and the respondent are Medical Staff. EMSS may refer an investigation to Island Health’s Respectful Workplace Investigation team or to a third-party external investigator when EMSS determines that it is in the best interest of the complainant, respondent and/or Island Health. In all instances, the investigator will follow [Medical Staff Bylaws](#) and [Medical Staff Rules](#) during investigation procedures and recommendations.
- EMSS and the Respectful Workplace team will jointly case manage all complaints against medical staff submitted by non-medical staff and vice versa. EMSS will lead the process when the respondent is a member of medical staff and Respectful Workplace will lead the process when the respondent is a non-medical staff member. Investigations may be assigned to the Respectful Workplace Investigation Team and in some instances to a third-party external investigator when it is in the best interest of the complainant, respondent and/or Island Health. In all cases, the investigator will follow the [Respectful Workplace Investigation Procedures for Employees](#) and/or [Medical Staff Bylaws and Medical Staff Rules](#) investigation procedures as appropriate.

2.5.6 Roles and Responsibilities in Investigations

- Investigations will observe timeframe provisions outlined in the relevant collective agreement and occupational health and safety legislation.
 - EMSS/Respectful Workplace:
 - Assess complaints of bullying and harassment and discriminatory harassment on behalf of Island Health and determine the response.
 - Case management of respectful workplace investigations, including notification to the complainant and respondent.
 - Ensure investigation procedures are followed.
 - Receive the investigation report from the investigator and share conclusions with the parties and appropriate leadership.
 - Maintain the confidential investigation file.
 - Complainant/Respondent/Witnesses:
 - Cooperate in the investigation process and provide any details of incidents they have experienced or witnessed.

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- Conduct themselves in a professional and respectful manner, to participate fully and in good faith, and to respect others’ rights to personal dignity, privacy and confidentiality.
- Union:
 - Support employees by attending relevant meetings and investigative interviews at the request of the employee.
 - Employee consent is required prior to any disclosure of respectful workplace information to a representative, including a union representative.
- Investigator:
 - Conduct investigations in accordance with these procedures and best practice and provide a written report with conclusions to Respectful Workplace/EMSS.
- Leader and Human Resources:
 - Support the parties in an investigation by monitoring well-being and the need for interim measures to ensure safety in the workplace.
 - Interim measures may be imposed during the complaint resolution process to ensure the work environment is safe and service within the involved area is not compromised. These measures will be determined and implemented by the appropriate leader in consultation with relevant parties (e.g. Human Resources Partners, Occupational Health and Safety Advisors, Unions, Professional Practice, Professional Associations, etc.).
 - Support the investigation process by facilitating individuals’ participation in the investigation (i.e. release for meetings etc.).
 - Following an investigation in which there are findings of a policy violation, leaders with the support of their Human Resources Partner will take appropriate actions within a reasonable time frame to address the findings and to prevent reoccurrence. Measures taken will be relayed back to Respectful Workplace for file closure.

2.6 Managing Medical Staff Behaviour

2.6.1 Purpose

- The purpose of managing unprofessional behaviour of medical staff is to create an environment that allows for both safe patient care and a respectful workplace. Unprofessional behavior includes behaviour that is contrary to the Code of Ethics of a Practitioner’s Regulatory Body, Respectful Workplace Policy or the Principles of Partnership Governing Professionalism. Standards of professional behaviour apply to both clinical and administrative work.
- Island Health is committed to a policy of prevention and remediation, with a focus on early intervention, if feasible, to prevent problems escalating to a level where disciplinary action is required. Island Health is also committed to ensuring a fair and transparent process by ensuring concerns are investigated for validity before proceeding to the remediation or disciplinary stage. The exception is a crisis intervention where immediate action is felt to be required to protect patient care or patient and/or staff security. Protections for the person being investigated are embedded, including the ability to have a representative present and an appeal process at appropriate stages of intervention pursuant to the [Medical Staff Rules](#) and [Medical Staff Bylaws](#).
- Wherever possible, minor incidents involving behaviour should be dealt with by respectful discussions between medical staff members and documented locally. Medical leaders are encouraged to send a brief notation to EMSS that a Stage 0 or a single “coffee cup conversation” has occurred so that there is a centralized recording system that will be more sensitive to detecting an emerging pattern of behaviour in a medical staff member. If the issue is resolved and there is no recurrence, further action is not required.

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Incidents of repeat behaviour must be documented and included in the medical staff member’s permanent file, through reporting to EMSS. The medical leader must ensure that all documentation stored locally is protected and remains private.

2.6.2 Formal Complaints Involving Medical Staff Members

- Breach of standard for professional or respectful behaviour will be addressed in a consistent, equitable and timely manner. All reports of unprofessional behaviour with an identified complainant, received verbally or in writing, will be considered carefully and addressed. All verbal reports will be transcribed and signed by the complainant.
- Where perceived unprofessional behaviour or concerns about clinical competence of a medical staff member are observed or experienced, they should be reported to a Division Head, Department Head, or Site Chief of Staff. The medical leader who first receives such a report is responsible to ensure it is investigated and followed up in a timely manner. The medical leader will investigate the complaint or concerns and determine their seriousness and impact. Based on these findings, an assignment of the appropriate stage of intervention, outlined below, will be confirmed.
- When appearing at a meeting pertaining to unprofessional behaviour or standard of care issues, all medical staff members (including medical leaders) are entitled to receive support from another member of the medical staff, or a representative from the Medical Staff Association (MSA) or legal counsel from the Canadian Medical Protection Association (CMPA). It must be noted that involvement of a support person from the MSA or legal counsel from CMPA is considered a routine occurrence for complaints involving medical staff members.
- If the subject of a complaint is a medical leader, the complaint should be reported to the person to whom the medical leader reports to or directly to the Chief Medical Officer (CMO) or designate. If a perceived lack of psychological or physical safety exists, medical staff may report through the process outlined in Island Health’s [Safe Reporting Policy](#). The Safe Reporting Policy does not replace established procedures for managing unprofessional conduct as set out in Island Health’s [Medical Staff Bylaws](#) and [Medical Staff Rules](#).
- The review of a serious allegation involving a member of the medical staff will be conducted in consultation with the CMO’s Office. In cases where the cancellation, suspension, restriction or non-renewal of Privileges may be warranted, the matter will be referred to the Health Authority Medical Advisory Committee, who will make recommendations to the Board and CEO in accordance with Article 12 of the [Medical Staff Bylaws](#). Emergency suspensions are dealt with in accordance with Article 12.2 of the [Medical Staff Bylaws](#).

2.6.3 Remediation and Disciplinary Process for Medical Staff

- Interventions have the goal of remediation and will generally follow a staged approach. These interventions must be documented. All instances of unprofessional behaviour and concerns about competence and failure to meet appropriate standards of care will be managed in a uniform manner pursuant to the [Medical Staff Rules](#) and [Medical Staff Bylaws](#). Documentation of Stage 1, 2, 3 and Crisis Interventions will remain in the medical staff member’s file permanently. The medical staff member has the right to review this file. Any intervention from Stage 1 through Stage 3 should involve EMSS. Most “coffee cup conversations” will not require EMSS involvement.

2.7 Appeal Process for Island Health Employees

2.7.1 Grounds for Appeal

- A respondent or complainant may submit an appeal to the Respectful Workplace Appeals Committee (RWAC) regarding a respectful workplace investigation. The appeal must be based on one or more of the following acceptable grounds:

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- The investigator incorrectly determined that the conduct, which was determined to have occurred, constituted a violation of the policy.
- The appellant has material evidence that was not reasonably available at the time of the investigation and there is a substantial likelihood that it would affect the outcome.
- There was a breach or unfair application of procedure that was not adequately remedied during the process.

2.7.2 Requirement of a Written Submission

- A request for appeal must be submitted in writing to the RWAC inbox (rwappeals@islandhealth.ca) within 45 business days from the appellant’s receipt of their conclusion letter. This submission must include:
 - A statement of the ground(s) for appeal;
 - A statement of facts relevant to the ground(s) for appeal;
 - A statement of the relief sought; and
 - Copies of documents on which the appellant relies.
- An appeal that does not meet this time limit may still be accepted for consideration under these procedures if:
 - Circumstances warrant an extension of this deadline; or
 - The delay in filing the appeal request was incurred in good faith; or
 - No substantial prejudice will result to any person because of the delay.

2.7.3 Determination of Whether an Appeal will Proceed

- Upon receipt of the request for appeal, a determination will be made about whether the appeal will proceed. It may be decided that the information presented by the appellant does not fall within this appeal process. In this situation, written notification will be provided within 30 business days to the appellant that the appeal cannot proceed and reasons for this decision will be provided.
- Where it has been determined that an appeal will proceed, the appellant will be notified, in writing, within 30 business days, of this decision.

2.7.4 Respectful Workplace Appeals Committee Review of the Record

- The RWAC is an objective committee assigned to navigate respectful workplace appeals. The RWAC is comprised of the Vice President, People, the Executive Medical Director, Medical and Academic Affairs, the Executive Director of Health, Wellness and Safety and Ability Management, as well as an Operational Executive Director, or their delegates. Upon confirmation that the appeal will proceed, the RWAC will conduct the appeal via a review of the record. An appeal will not be a re-hearing of the complaint and will not include a further investigation by an appointed investigator.

2.7.5 Respectful Workplace Appeals Committee Appeal Decision

- The RWAC will make a decision on the appeal within 45 business days from the date of the letter notifying the appellant that the appeal will proceed. The RWAC will notify the appellant, in writing, of the appeal decision.
- The RWAC may accept or dismiss the appeal in whole or in part. Where the appeal in whole or in part is accepted, the RWAC will provide a new decision or recommendation for the next steps. Also, the letter will include the reasons for the appeal decision.

2.8 Appeal Process for Medical Staff

- A medical staff member who is a respondent may appeal an adverse decision under the procedures set out in the [Medical Staff Rules and the Medical Staff Bylaws](#).

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- A medical staff member who files a complaint against a non-medical staff member and the complaint is investigated based on the employee, volunteer or student investigation process, may appeal the decision through the respective appeal process.
- Please reference the [Medical Staff Rules and Bylaws](#) for detailed information regarding the investigation and appeal procedures for Medical Staff.

4.0 Related Island Health Policy Documents

- [Medical Staff Rules and Bylaws](#)
- [Respectful Workplace Policy](#)
- [Respectful Workplace Procedures for Employees](#)
- [Respectful Workplace Procedures for Volunteers](#)
- [Safe Reporting Policy](#)

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