

TITLE: RESPECTFUL WORKPLACE: MEDICAL STAFF, RESIDENT DOCTORS AND MEDICAL STUDENTS

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APPLICABILITY: Northern Health employees, managers, medical staff, students, volunteers, and contractors

RELATED POLICIES: 5-5-1-080: [Respectful Workplace: Staff, Contractors, Volunteers, and Non-Medical Students](#)
3-1-1-010: [Complaints Regarding the Conduct or Professional Practice of Members of the NH Medical Staff](#)
4-2-4-010: [Safe Reporting](#)

DEFINITIONS: Refer to [definitions](#) (bullying, harassment, discrimination, etc.)

DOCUMENT QUICK LINKS

- [Procedure](#)
 - [Addressing Respectful Workplace Concerns](#)
 - [Reporting a Concern](#)
 - [Spectrum of Resolution](#)
 - [Investigations & Workplace Assessments](#)
 - [Documentation \(i.e., Information Management\)](#)
 - [Medical Affairs and Human Resources Roles](#)
 - [Appeal Process of Medical Staff](#)
 - [Appeals Process for NH Employees](#)
- [Northern Health Medical Staff Bylaws](#)
- [Northern Health Medical Staff Rules](#) (Professional Conduct and Unprofessional Behaviour)
- [Northern Health Code of Conduct](#)

KEY POINTS

- The purpose of this policy is to establish policy and procedures to promote an environment of mutual respect, psychological safety, cultural safety, physical safety, and inclusiveness for all individuals associated with Northern Health.
- Northern Health's values provide the foundation for creating a respectful workplace culture. Respect is identified as one of our values and reflects a shared core belief in valuing each individual and bringing trust to every relationship.

- This policy applies equally to all persons associated with Northern Health (collectively defined as “Individuals”) including:
 - Employees of Northern Health, and those involved with its affiliated programs and agencies, including students;
 - CEO, executives, management, and supervisory employees;
 - Members of the Northern Health Board of Directors;
 - Northern Health volunteers;
 - Contractors;
 - Medical staff including physicians on contract, resident doctors, medical students and clinical trainees;
 - Post-secondary faculty and support staff who work at Northern Health facilities; and
 - Individuals authorized to access Northern Health information, information systems or equipment.
- The procedures contained herein apply to medical staff including physicians on contract, resident doctors, medical students, and clinical trainees
- For respectful workplace concerns involving involving Northern Health staff, contractors, volunteers or non-medical students refer to the administrative policy and procedure 5-5-1-080: Respectful Workplace: Staff, Contractors, Volunteers, and Non-Medical Students.
- This policy does not apply to situations that involve patient/client or visitor behaviour toward Northern Health individuals or physician behaviour toward patients/clients. In these circumstances, consult with your manager and refer to:
 - 5-1-2-5-080 [Managing Disrespectful, Aggressive, or Violent Behaviours of Visitors](#), or
 - 2-6-1-010 [Patient Complains and Compliments](#).

POLICY

- Consistent with Northern Health’s values, every individual associated with Northern Health has the right to be treated, and has the responsibility to treat others, with fairness, courtesy, and respect.
- Northern Health will:
 - Foster a safe, healthy, and inclusive workplace which supports individuals’ physical, psychological, and social well-being;
 - Promote environments in which all individuals are free from bullying, harassment, and discrimination, not only the specific conduct prohibited by the [BC Human Rights Code](#) and [Workers Compensation Act](#), but of any behaviour

which may reasonably cause intimidation, offence or humiliation to another person or group;

- Support individuals to manage workplace differences; and
- Provide an environment that respects and promotes cultural safety, human rights, identity affirmation, and personal dignity.

Indigenous Engagement

- Northern Health is committed to working alongside Indigenous employees to develop and create culturally safe and supportive pathways to resolving concerns in the workplace and addressing racism. This will be accomplished by developing new ways (creating new system/framework) of resolving complaints that are restorative, and safe.
- Future iterations of the Respectful Workplace policy and procedures will include the input of Indigenous employees on specific pathways and supports. For now, Indigenous employees with concerns are encouraged to utilize this resource and are able to request additional support from Indigenous Health.

Respectful Conduct in the Workplace

- A Respectful Workplace incorporates courtesy, civility, consideration, and compassion. It is an approach which actively respects individuals by strictly avoiding bullying, harassing and discriminatory behaviours which would have a negative impact on them. It involves taking responsibility for one's behaviour in the workplace. Some actions are reasonably well understood to cause harm (e.g., physical violence, name calling), and individuals must take responsibility for their own behavior and its impact on others, whether the behavior was deliberate, unintentional, or negligent.
- This policy will not constrain legitimate work-related behaviours. For example, a supervisor attempting to address or correct misconduct or performance concerns.
- This policy is also not intended to constrain reasonable and non-discriminatory social interaction or banter between people.

Inclusion, Diversity, Equity, and Accessibility

- In keeping with the Canadian Charter of Rights and Freedoms and the British Columbia Human Rights Code, Northern Health recognizes that diversity is a valued and protected characteristic of Canadian society and the workplace.
- Northern Health (NH) is committed to identifying and addressing any persistent systemic barriers, biases, and inequities individuals experience by virtue of personal characteristics such as race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability, sexual orientation, residency, marital status or citizenship (e.g., Indigenous peoples, racialized individuals, individuals with disabilities and complex health conditions, immigrants, members of the 2SLGBTQIA+ [Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer,

Questioning, Intersex, Asexual, additional terminologies] community and other underrepresented groups who experience stigma, discrimination, or marginalization).

- Respectful workplace concerns will consider the following in alignment with principles of Inclusion, Diversity, Equity, & Accessibility:
 - Valuing and including individual lived experience (i.e., nothing about us without us).
 - Promoting opportunities for everyone to thrive.
 - Moving toward a system designed to remedy, not perpetuate, inequities faced by historically and currently excluded groups.

Roles and Responsibilities

- **Northern Health:**

- Northern Health will develop and implement policy, procedures and programs that promote environments of safety and respect. Northern Health's specific responsibilities include:
 - Develop and maintain internal policy and procedure to identify unacceptable conduct;
 - Organize, provide, track, and renew, as necessary, related staff education programs;
 - Develop and maintain systems and processes for reporting, investigating, and resolving concerns. Resolution options will include both formal and informal avenues, including offering dispute resolution; and
 - Take appropriate action, including progressive discipline up to dismissal and removal of privileges for Medical Staff where behaviour has violated the policy; and other measures as deemed appropriate.

- **Leadership:**

- Ensure that this policy and the expectation of respect is communicated to all individuals within their scope of leadership and throughout the broad spectrum of personal contacts and relationships generated by Northern Health's operations; and
- Attend to prevention and early informal and/or formal resolution of interpersonal conflict, including attention to underlying and contributing issues.

- **Individuals:**

- Conduct oneself in a respectful, non-discriminatory manner in the workplace and at work-related activities;
- Refrain from engaging in behaviours, which would reasonably be known to cause humiliation and/or intimidation, including but not limited to verbal aggression or insults, calling someone derogatory names, harmful hazing, or

initiation practices, vandalizing personal belongings and/or spreading malicious rumors; and

- Participate in appropriate initiatives to improve respect within their work units; and report any violations of this policy according to applicable respectful workplace procedures.

Recommended Education for Medical Staff, Resident Doctors, and Medical Students

- [NHA – HR – Workplace Bullying and Harassment Awareness Module](#) (Learning Hub #6283)
- [NHA – EDU – Respectful Workplace](#) (Learning Hub #6969)
- [Respectful Relationships](#)

Individual rights

- Any allegation or complaint of bullying, harassment, or discrimination will be considered personal information supplied in confidence for the purpose of Sections 22(2)(f) of the *Freedom of Information and Privacy Act*. This Section of the Act entitles a complainant to confidentiality of both their name and the substance of the complaint. The name of the complainant or the substance of the complaint will not be disclosed to any person except with the consent of the complainant or where disclosure is necessary for the proper investigation or resolution of the complaint.
- This policy is in addition to and not in substitution for any rights an individual may have to pursue action, whether under collective agreements, policies including Medical Staff Bylaws or any applicable legislation, including the BC Human Rights Code and the *Workers Compensation Act*. In cases where an individual initiates an internal process to resolve concerns related to bullying, harassment and/or discrimination, and simultaneously initiates a second internal or external process to resolve their concerns, it may be appropriate to pause or discontinue the second process. Decisions to do so will be on a case-by-case basis and take an individual's rights under relevant legislation into account.

Confidentiality

- 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 not to share information or discuss the details of the complaint within the workplace or outside of the workplace with those who are part of the working environment and may be subject to disciplinary action.

- Discussion within a therapeutic relationship such as a with a counsellor, coach or Health Care Provider may be appropriate for both parties of the complaint, on the assumption of confidentiality in that setting.

Time Limits for Complaints:

- Complaints must be submitted within one year from the date of last incident.
- Approval from VP Human Resources or delegate must be obtained for an exception to investigate a complaint submitted more than one year from the date of the last incident.

Withdrawal of Complaints

- At any time during the process, 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, Northern 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.

Frivolous, Vexatious, Vindictive and Bad Faith Complaints

- Northern 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.
- A complaint that is determined to be unfounded is not by definition frivolous, vexatious, vindictive or made in bad faith.

Consequences of Retaliation

- Any retaliation against any party involved in a complaint or complaint resolution process will not be tolerated and may lead to corrective action, up to and including disciplinary action in accordance with Medical Staff Rules for medical staff members.

Monitoring and Evaluation

- This policy will be reviewed by Human Resources annually and updated where necessary. Compliance with this policy, while every staff's responsibility, will be reinforced by all levels of leadership.

PROCEDURE

Medical staff and non-medical staff are to follow these procedures for addressing respectful workplace complaints when member(s) of the Northern Health medical staff, resident doctors, or medical students are involved.

These procedures are to be used for:

- non-medical staff reporting respectful workplace concerns involving medical staff, resident doctors, and medical students.
- medical staff, resident doctors or medical students reporting respectful workplace concerns involving medical staff, resident doctors, or medical students.
- medical staff, resident doctors or medical students reporting respectful workplace concerns involving non-medical staff.

This procedure highlights key differences in management of these issues through the necessary consideration of the Medical Staff Rules and the Medical Staff Bylaws for Northern Health.

Following this procedure allows non-medical staff, 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 supports a respectful work environment for all individuals. The procedure allows transparent and objective processes for medical staff, resident doctors, and medical students who are the subject of complaints.

If no medical staff, resident doctors, or medical students are involved, refer to the administrative policy and procedure 5-5-1-080 [Respectful Workplace: Staff, Contractors, Volunteers, and Non-Medical Students](#).

Addressing Respectful Workplace Concerns

- The following information aims to help individuals if they experience behavior from medical staff, resident doctors, or medical students they perceive as disrespectful.
- There are various approaches that might be taken to attend to concerns that fall within the scope of the Respectful Workplace Policy.
- Northern Health has the right to make decisions regarding the spectrum of resolution approaches to address respectful workplace concerns that are brought forward.
- Whenever reasonable and safe, direct, local, and restorative approaches to resolve matters are preferable as they focus on rebuilding and repairing relationships.

Local Level Resolution

Immediate and Direct Resolution

- Anyone who believes they are being subjected to disrespectful workplace behaviour is encouraged to speak directly with the individual(s) demonstrating

the behaviour of concern if they are comfortable and it is safe. Addressing the behaviour quickly and directly is one of the best mechanisms to bring insight to the individual that their behaviour is not acceptable. The following process may be considered:

- A. Ask the other person to meet at a convenient time and in a private place to engage in cooperative problem-solving. They may choose to have someone with them to act as a witness, observer, and support. Employees may wish to contact the Employee Family Assistance Program (EFAP) and medical staff may wish to contact the Doctors of BC Physician Health Program for support and assistance in preparing for this conversation. Medical Affairs and Human Resources can also provide conflict coaching support in preparing for direct resolution conversations.
- B. Raise the issue with the other person in a way that helps the other person understand the concern and achieve resolution by:
 - Describing the troubling behavior and the impact from their point of view; be prepared to be specific about behaviours.
 - Listening to the other person's perspective – don't assume, ask them to share their point of view.
 - Exploring respective interests (i.e., needs, concerns, hopes).
 - Creating options for resolving the situation.
 - Developing an agreement that meets as many of the interests as possible.
- C. Determine if the issue is successfully resolved.
 - If the issue is resolved, no further steps are taken.
 - If the issue is not resolved, or if the person refuses to participate, request a meeting with appropriate medical leader (or non-medical leader if complainant is non-medical staff with concerns about medical staff), or in their absence, a delegate.

Leader Support

- If unsuccessful at speaking to the other party directly, or there is a barrier to doing so, approach may be made to an appropriate leader for assistance. If, for any reason, there is discomfort in approaching the appropriate leader, the next level of leadership maybe approached, or the concern reported (see below).
- Leaders make every effort to respond to concerns raised in the following ways:
 - A. Attempt to assist the individual by:
 - Hearing the concern.
 - Acknowledging the impact on the individual.
 - Clarifying what the individual wants and needs.

- B. Explore a variety of local resolution options with the individual. Possibilities include, but are not limited to:
 - Facilitating a conversation between the individuals.
 - Requesting agreement to contact the other person to explore ways of resolving the complaint.
- C. If further supports are warranted, or if the issue is not successfully resolved based on the local level supports provided by the leader, employees can reach out to engage a Human Resource Advisor and medical staff can reach out to Medical Affairs Human Resources Advisor or Medical Leadership responsible for Respectful Workplace issues.

Reporting a Concern

- Reporting the concern is encouraged if:
 - Addressing a concern through immediate and direct resolution (or with support from a leader or delegate) has not been successful; or
 - There is a reasonable basis for not attempting to address the concern through immediate/direct approaches (i.e., it would not be safe to do so).
- Northern Health employees should report their concerns related to medical staff, resident doctors, or medical students in one of the following ways:
 - A. Human Resources
 - RespectfulWorkPlace@northernhealth.ca
 - Toll free number: 1-844-565-2935
 - B. Provincial Workplace Health Contact Centre (PWHCC) (triages information to NHA Workplace Health & Safety) at 1-866-922-9464
 - C. A medical leader – who will advise reporting to PWHCC, assist to complete intake, or refer for assistance to complete intake and notify Human Resources.
- Human Resources refers all concerns where the respondent is a member of medical staff to appropriate medical leadership for intake and assessment.
- Medical staff should report concerns about medical staff members to their medical leadership (Department Head, Chief of Staff, an appropriate Medical Director, Medical Affairs Human Resources, Medical Leader responsible for Respectful Workplace issues or VP Medicine) or to Human Resources at RespectfulWorkPlace@northernhealth.ca or 1-844-565-2395.
 - If the subject of a complaint is a medical leader, report the complaint to senior medical leadership i.e., VP Medicine or VP Human Resources at RespectfulWorkplace@northernhealth.ca. If a perceived lack of psychological or physical safety exists, medical staff may report through the process outlined in the [Safe Reporting](#) Policy.

- Disagreements about how to navigate an individual complaint process or determination of same, when the concern is about medical staff member(s), require the issue to be escalated to the VP Medicine.
- Medical staff wishing to report a respectful workplace concern about non-medical staff should contact Human Resources, at RespectfulWorkPlace@northernhealth.ca or 1-844-565-2935 and the appropriate medical leadership. Human Resources also informs appropriate medical leadership that medical staff have raised concerns about non-medical staff.
- Physician members of the medical staff who are the subject of a complaint of disrespect will be informed of their right to support through one of Canadian Medical Protective Association (CMPA), Doctors of BC (DOBC) or Medical Staff Association, as per Physician Master Agreement memo signed by all health authority CEOs.

Intake Assessment and Determination of Next Steps

- When a report is received, the person who has reported the concern (the complainant) will be contacted for an intake conversation.
- The purpose of the intake conversation is to understand the nature of the concern, what steps the complainant has already taken, what other processes may be underway and what support the complainant is seeking.
- The complainant may be required to submit written confirmation of their concern. The information will be assessed in relation to the Respectful Workplace policy and applicable legislation and regulations to determine the appropriate process needed to attend to the issue(s) raised.
- There are times in which a determination regarding next steps is not possible at intake. In these cases, the complainant will be advised that further review of their concern is needed before a decision can be reached around next steps and will request consent for additional information gathering and discussion with others as appropriate.
- If the person receiving the complaint determines there is significant risk of psychological and/or physical harm, action may be taken without the complainant's consent.
- Northern Health has the right to make decisions regarding the appropriate process needed to address respectful workplace concerns that are brought forward.
- The determination, options and process will be reviewed with the complainant. If the complainant disagrees with the decision, they may ask for a review of the decision.

Spectrum of Resolution

- Approaches to resolution may include, but may not be limited to:
 - Guidance to support direct resolution by the individual, including referral to resources/training.

- Facilitated conversation hosted by the manager or a Human Resources Advisor or Medical Affairs Human Resources, or Medical Leader responsible for Respectful Workplace issues.
 - Mediation using external mediators.
 - Referral outside of Human Resources for issues that do not fall within the scope and mandate of the Respectful Workplace Policy. In the case of medical staff this may be the policy on [Complaints Regarding the Conduct or Professional Practice of Members of the NH Medical Staff](#).
 - Workplace assessment.
 - Investigation.
- There may be times when one approach starts, and a re-assessment is warranted to consider another approach within the spectrum of resolution. Examples of reasons for a re-assessment could include that new information has come forward, or a process undertaken has been unsuccessful in resolving the concern. In these circumstances, the medical leader or delegate re-assesses and brings forward determinations around changes in process to the appropriate parties.

Direct Resolution

- A medical leader may assess the concern as being appropriately resolved through further conversation. This might include supportive coaching with the individual to prepare for a conversation, referral to Employee and Family Assistance Program, Physician Health program or supporting the leader to help resolve the situation.

Facilitated Conversations

- Facilitated conversations are supportive and voluntary processes with a goal of helping people resolve or better manage conflict by looking for mutually agreeable solutions. Facilitated conversations may be considered appropriate if the following criteria are met:
 - The situation does not warrant an investigation or other process;
 - As an outcome of an investigation;
 - Both parties to the concern are willing and able to participate in the process;
 - An objective and skilled Facilitator can be identified to facilitate the conversation.

Investigations & Workplace Assessments

Investigations

- All complaint investigations will follow the principles of fairness, thoroughness, timeliness, and confidentiality. If a complaint investigation is required, the medical leader or delegate will determine if internal or external resources are

necessary to ensure that an appropriate, fair, objective process occurs. Consent from the complainant to bring the complaint forward to the investigator will be sought, except in cases where consent is not required to proceed. The medical leader or delegate is responsible for explaining the process of investigation to the complainant, including that their complaint information will be shared with the respondent as part of the process.

- When concerns are reported, Northern Health retains the right to initiate an investigation, or other formal review process, without the complainant's consent if there are sufficient concerns regarding the physical or psychological impact of the alleged behaviour.
- Where an internal investigation is deemed appropriate, the medical leader will seek an appropriate investigator to be assigned to the process. Where an investigation using an external resource is deemed appropriate the medical leader in consultation with HR will engage the external investigator.
- Respectful workplace investigations include the following steps:
 - The scope and mandate of the investigation will be established.
 - The parties (complainant and respondent) will be notified of the investigation and information will be provided about the process.
 - The complainant, respondent and any relevant witnesses will be interviewed by the investigator.
 - The respondent will receive particulars of the complaint in advance of a meeting with the investigator. This is intended to provide the respondent the opportunity to be aware of and respond to the complaint.
 - The parties will have an opportunity to review any information they provide to the investigator to ensure accuracy.
 - The investigator will analyse the evidence, make decisions with regards to findings and conclusions and prepare a report.
 - The outcome of the investigation will be shared with the complainant and respondent in a conclusion letter.
- Further supports will be provided as needed for any measures being implemented as a result of the investigation, including any actions needed to restore relationships, reputations, etc.

Remedies and Interim Measures

- There are a range of remedies that may be offered depending on the findings and conclusions of the investigation, and may include, but are not limited to:
 - Oral and/or written apology from the respondent and/or Northern Health.
 - Any administrative changes that are appropriate as determined by Northern Health.

- Education.
 - Re-orientation to the Respectful Workplace policy, procedures, and its purposes.
 - Transfer.
 - Progressive discipline processes up to and including the restriction, suspension, and removal of privileges for medical staff and dismissal without cause for employees.
 - Efforts to restore any lost reputation.
 - Efforts to restore relationships.
 - Any other remedies determined to be appropriate by Northern Health.
- In circumstances where the investigator determines the complaint was made in bad faith or found to be vexatious, vindictive, false, or frivolous, appropriate action will be taken which could include discipline for the complainant, the restriction, suspension, and removal of privileges for medical staff and dismissal without cause for employees.
 - 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., Medical Affairs, Human Resource Advisors, Unions, Professional Practice, Professional Associations, etc.).

Closure and Follow-up

- The complainant(s) and respondent(s) involved in the investigation will be informed of the findings and conclusions.
- It is recognized that experiences with behaviour contrary to Northern Health's Respectful Workplace Policy can be difficult for the complainant, respondent and any other parties involved. Northern Health is committed to providing support, information, and opportunities for follow-up, as well as evaluation of its processes for handling respectful workplace concerns.
 - Individuals may access support available through Employee & Family Assistance Program.
 - Physicians may access support through the Physician Health Program.
- Leaders may provide additional support for their unit/team, which may include, but is not limited to:
 - Communication to the team or unit that the situation has been resolved and actions to remedy the complaint have been taken.
 - Additional debriefing supports assessed to be appropriate in the circumstances.

- Leaders may reach out to the Human Resources and/or Medical Affairs teams to explore options for support such as requests for:
 - Further education and training on the Respectful Workplace Policy and its objectives.
 - Support through Northern Health's Organizational Development department
 - Formal feedback on the process from the complainant and respondent within six months of complaint closure.

Workplace Assessments

- In a workplace assessment members of a working group are individually and confidentially interviewed or surveyed to gather information about how individuals perceive the workplace including issues and relationships within the workplace.
- Workplace assessments do not result in findings or conclusions about specific behaviours or individual actions. They do provide valuable information about the perceptions and perspectives of a working group that can be used to inform recommendations for intervention and support to build a healthy, productive team.
- Workplace assessments may be initiated in situations where it is clear there are problematic dynamics within a group, but there is no clear complaint that could be investigated or lack of clarity about what is occurring.

Considerations

Information Management

- All parties maintain all records of complaints, including any oral or written information gathered, received, or compiled throughout the investigation and resolution process 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, is recorded for statistical purposes only. Access to confidential records is governed by relevant privacy legislation. All requests for records are to be directed to Northern Health's Privacy Office.

Medical Affairs and Human Resources Roles

- Medical Affairs leadership case manages all medical staff complaints and investigations where both the complainant and the respondent are medical staff. These may be referred to an internal or external investigator when it is determined that it is in the best interest of the complainant, respondent, or Northern Health. In all instances, the investigator follows Medical Staff Bylaws and Medical Staff Rules during investigation procedures and recommendations.

- Medical Affairs and Human Resources jointly case manages all complaints involving medical staff and non-medical staff.
 - Medical Affairs leads the process when the respondent is a member of medical staff and
 - Human Resources leads the process when the respondent is a non-medical staff member.
- Investigations may be assigned to a Human Resources Advisor and in some instances to a third-party external investigator when it is in the best interest of the complainant, respondent, and Northern Health. In all occurrences, the investigator follows Respectful Workplace Investigation Procedures for Medical Staff and Employees and gives due consideration to Medical Staff Bylaws and Medical Staff Rules as appropriate.

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.
- A medical staff member who files a complaint against a non-medical staff member and it 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 Complaints, Supportive Discipline and Appeal Process Toolkit](#) and the [Medical Staff Bylaws](#) for detailed information regarding the investigation and appeal procedures for medical staff.

Appeal Process for Northern Health Employees

Grounds for Appeal

- A respondent or complainant may submit an appeal to the Vice President of Human Resources (VP HR) regarding a respectful workplace investigation. Employee appellants must be actively employed by Northern Health in order for an appeal to be accepted. The appeal must be based on one or more of the following acceptable grounds:
 - 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 it would affect the outcome.
 - There was a breach or unfair application of procedure that was not adequately remedied during the process.

Requirement of a Written Submission

- A request for appeal must be submitted in writing to the RespectfulWorkPlace@northernhealthc.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.
 - 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.

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.

Review of the Record

- Upon confirmation that the appeal will proceed, the Vice President HR 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.

Respectful Workplace Appeal Decision

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

DEFINITIONS

Allegation: an allegation is typically a statement, made without giving proof, that the respondent to a complaint has violated Northern Health Respectful Workplace Policy. Allegations typically involve bullying, harassment, and/or discrimination.

Bullying and Harassment: Not every unpleasant interaction or disrespectful behaviour in the workplace is bullying or harassment. Bullying and harassment is any inappropriate conduct or comment by a person towards another that the person knew or reasonably ought to have known would cause humiliation or intimidation. Bullying and harassment excludes any reasonable action taken by an employer or supervisor relating to the performance management and work direction of individuals or the place of employment. This would include comments or conduct that occurs away from the workplace during or outside working hours if a connection to the employment relationship exists.

Examples of bullying and harassment may include, but are not limited to:

- Verbal aggression or insults
- Physical gestures which are aggressive or insulting
- Any unwanted physical contact or threat of unwanted physical contact
- Using derogatory names
- Refusing to use a person's preferred gender pronouns
- Spreading rumours which may cause reputational harm
- Hazing or harmful initiation practices
- Damaging personal belongings

Discrimination is the unfair differential treatment of an individual or group on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age or unrelated criminal conviction. Such behaviour must serve no legitimate work purpose and can be intentional or unintentional in nature. This would include comments or conduct that occurs away from the workplace during or outside working hours if a connection to the employment relationship exists.

Discriminatory harassment is also a form of discrimination where abusive, unfair, offensive, or demeaning treatment of a person or group of persons under any of the grounds listed above has taken place and has the effect of interfering with an individual's work or participation in work-related activities; or creates an intimidating, hostile or offensive environment for work or participation in a work-related activity. This would include comments or conduct that occurs away from the workplace during or outside working hours if a connection to the employment relationship exists.

Individuals refers to all persons associated with Northern Health (collectively defined as “Individuals”) including:

- Employees of Northern Health, and those involved with its affiliated programs and agencies, including students;
- CEO, executives, management, and supervisory employees;
- Members of the Northern Health Board of Directors;
- Northern Health volunteers;
- Contractors;
- Medical staff including physicians on contract, resident doctors, medical students and clinical trainees;
- Post-secondary faculty and support staff who work at Northern Health facilities; and
- Individuals authorized to access Northern Health information, information systems or equipment.

Respectful Workplace is characterized by:

- Polite behaviour – courteous and considerate behaviour toward others.
- Diversity and inclusion – recognition, acceptance and welcoming of the differences that individuals bring to the organization, including race, ethnicity, gender, sexual orientation, socio-economic status, age, abilities, religious and political beliefs, and other ideologies.
- Freedom from disrespectful, discriminating, bullying, and harassing behaviour.
- Constructive management of differences – differences are understood to be a fact of life and are managed through conflict management and dispute resolution processes.

Sexual harassment is any conduct, comment, gesture, or contact of a sex or gender-related nature made by a person who knows or reasonably ought to know such conduct is unwanted, unwelcome, or likely to cause offence or humiliation to any individual. It also includes conduct that might, on reasonable grounds, be perceived by that individual as placing a condition of a sexual nature on employment or on any opportunity for training or promotion. This would include comments or conduct of a sexual nature that occurs away from the workplace during or outside working hours if a connection to the employment relationship exists.

Note: Discrimination, discriminatory harassment and sexual harassment may also constitute breaches of the British Columbia Human Rights Code.

REFERENCES

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KEYWORDS

REVISION HISTORY			
Initial Effective Date:	March 15, 2005		
Approved By:	VP Human Resources		
Author Title:	Regional Director HR Operations and Strategic Labour Relations		
Revision History:	Effective Date:	Description of Changes:	Reviewed or Revised by:
	March 18, 2024	Policy issued from 5-5-1-080 to create distinct policies for: <ul style="list-style-type: none"> • Staff, Contractors, Volunteers, and Non-Medical Students (5-5-1-080) • Medical Staff, Resident Doctors, and Medical Students (5-5-1-070) Refer to the source document 5-5-1-080 for additional revision history.	VP Human Resources; Regional Director, Human Resources Operations; HF Consultant, Medical Affairs Medical Director, Enhanced Medical Affairs Support Medical Affairs; Indigenous Health; Workplace Health & Safety Organizational Development; Director Inclusion, Diversity, Equity and Accessibility
Contact policiesstandards@northernhealth.ca if further information is required.			
Acknowledgements (optional):			