

## POLICY and PROCEDURE

<b>Subject:</b> WORKPLACE CIVILITY AND PREVENTION OF HARASSMENT AND VIOLENCE POLICY			Section	No.
POLICY ('X' if yes) X	PROCEDURE ('X' if yes) X	STANDARD ('X' if yes) Care ___ Service ___	<b>Issuing Department: Human Resources, communications and legal affairs</b>	
IMPLICATION(S) ('X' if yes) ___ Intra departmental ___ Interdepartmental ___ Multidisciplinary ___ Hospital-wide ___ Governance-Higher mgmt ___ <b>Include in Administrative P&amp;P Manual</b>				
Approval date by the Board of Directors October 27, 2016	Revision #	Next revision date 2021	<b>Approved by:</b>	

### 1. Scope

- 1.1. This policy applies to every person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal 's mission, as well as every person who is on its premises (e.g.: patients, visitors, suppliers, subcontractors, partners).
- 1.2. It applies to all situations that have a connection to work, on the work premises or outside of the normal place of work.
- 1.3. It applies in particular to relations with persons from outside as part of their work and during professional and social activities related to work. Furthermore, it applies to the inappropriate use of information technologies, regardless of the location of the person responsible for misconduct or of the Integrated Health and Social Services University Network for West-Central Montreal employee targeted by this behaviour (e.g.: social media, blog, text message).

### 2. Frame of reference

The main legal and administrative foundations of this policy are the following:

- The *Act respecting labour standards* (CQLR c N-1.1) ;
- Sections 10, 10.1 and 46 of the *Quebec Charter of Human Rights and Freedoms* (CQLR c C-12);
- The *Criminal Code* (R.S.C., c C-46);

- The *Civil Code of Quebec*;
- Code of Civil Procedure (not in effect, s.1-7) ;
- The *Act respecting access to documents held by public bodies and the Protection of personal information* (CQLR, c A-2.1) ;
- The *Act respecting occupational health and safety* (CQLR, c S-2.1);
- The *Act respecting health services and social services*;
- The *Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions* (CQLR, c S-4.2, r 5.1);
- The *Professional Code* (CQLR, c C-26): Professional Code of Ethics;
- Current national collective agreements and local provisions;
- Current standards recognized by certification and accreditation bodies;
- The institution's code of ethics.

### 3. Objectives

- 3.1 Ensure that every person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission is treated with respect, impartiality and dignity and fairness, particularly through the promotion of civil human relations.
- 3.2 Distribute its concrete commitment to deploy the appropriate means for providing a healthy work environment free of any form of harassment and violence, in which persons employed therein are treated with civility, respect and dignity.
- 3.3 Prevent harassment and violence, particularly by raising awareness among, and by providing information and training to persons contributing to the achievement of its mission and by promoting gestures to prevent and resolve conflictual situations.
- 3.4 Prevent harassment and violence by raising awareness in and providing information to other persons on its premises (e.g.: patients, visitors, suppliers, and partners).
- 3.5 Establish the roles and responsibilities of each of the persons for whom this policy applies.
- 3.6 Establish the foundations of the procedures whose actions will disfavour prevention by promoting civility and respect, but also:
  - Support the management and resolution of conflictual situations between persons contributing to the achievement of the institution's mission;
  - Handle situations likely to constitute harassment using a mechanism of handling complaints in accordance with guidelines.

### 4. Definition of terms

For purposes of this policy, the following expressions mean:

**Harassment: Excerpt from the Act respecting labour standards, Sec. 81.18:**

*“For the purposes of this Act, “psychological harassment” means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee’s dignity or psychological or physical integrity and results in a harmful work environment for the employee.”*

It includes in particular any act, comment or exhibition that reduces, belittles, humiliates or embarrasses a person, and any act of bullying, threatening or discrimination. The notion of harassment particularly includes “psychological harassment,” “sexual harassment,” and “discriminatory harassment.” A single serious incidence of such behaviour that has a lasting harmful effect on a person may also constitute harassment.

**Violence:** Incident during which a person is threatened, mistreated or assaulted in a situation related to his work, which includes all forms of harassment, bullying, verbal or physical threats, assaults and other disrespectful behaviour. This behaviour can come from a patient, suppliers, partners or colleagues, at any level of the organization.

**Civility:** Defined as behaviour that contributes to maintaining rules of mutual respect established in the work environment. It involves a set of rules of conduct intended to ensure the well-being of all members of the community through conduct characterized by respect, collaboration, politeness, courtesy and know-how.

**Incivility:** Defined as deviant behaviour that violates the rules of mutual respect established in the work environment. Incivility is a violation of the basic rules of life in society [values of the Integrated Health and Social Services University Network for West-Central Montreal] that creates significant discomfort in the work environment and has a negative impact on people’s morale, efficiency, productivity, motivation and the work environment.

**Conflictual situation:** Whether overt or latent, conflict can be defined as discord between persons or groups. In the context of this policy, a conflictual situation means any situation presenting a form of discord, antagonism or tension involving two or more persons, of which the negative consequences on the work environment or individuals are palpable.

**Management rights:** Employer’s right to implement mechanisms to control and evaluate the behaviour and performance of its employees. He therefore makes decisions in connection with the attainment of the institution’s objectives with a view to achieving its mission, but not with the objective of harming its employees.

**Workplace:** All premises where work activity is carried out by a person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal’s mission. (e.g.: patient’s room, corridor, parking facility, patient’s residence, bathroom, cafeteria, stairs) and any other place where work-related activities take place (e.g.: conferences, meetings, social or professional activities) during normal hours and outside of regular working hours.

**Mediation:** Voluntary conflict resolution process facilitated by a competent impartial third party.

**Preliminary analysis:** Consists of considering whether the situation subject to the complaint arises from a likely situation of psychological harassment by virtue of the presence of the five criteria of the definition of psychological harassment stipulated by Québec’s Act Respecting Labour Standards.

**Investigation:** Procedure by which, upon receipt of a report or of an official complaint, a neutral third party reviews the facts and, applying this policy, renders an impartial opinion regarding whether there are grounds for the complaint or the report.

**Examining physician:** Assumes the function of reviewing any complaint, formulated by a patient or any other person that concerns a physician, a dentist or a pharmacist, as well as a medical resident of the institution, in accordance with the *Act respecting health services and social services*.

**Person contributing to the achievement of the institution's mission:** Any person who, through his work activity, contributes directly or indirectly to the delivery of care and services, in connection with the institution's mission. (e.g.: employee, manager, supervisor, member of the Board of Directors, physician, resident, researcher, intern, student, volunteer).

**Person charged:** Person whose alleged behaviour as violating this policy is subject to a complaint or report.

**Reasonable person:** Person generally well informed of all the circumstances who, finding himself in a similar situation to the alleged victim, would conclude that the behaviour is vexatious.

**Person responsible for applying this policy:** Person designated by the President and Chief Executive Director of the institution and responsible for applying this policy with a view to achieving the stated objectives.

**Complaint:** Formal denunciation to the person responsible for applying this policy, about a situation that the complainant considers to constitute harassment or violence according to the meaning in this policy, with the aim that the employer will intervene to put a stop to this situation and prevent it from recurring.

**Complainant:** Person who files a complaint based on the application of this policy or who reports a situation.

**Reporting:** The act of verbally reporting to the immediate supervisor, or to the person responsible for applying this policy, the observation of a problematic situation likely to constitute harassment or violence, or on course to becoming as such. Reporting is generally done by a person who witnessed a situation in order to denounce it with the intention of obtaining assistance, preventing the situation from deteriorating or putting a stop to what is considered to be problematic.

## **5. Guiding principles**

### **The mission:**

#### **5.1. To provide the highest quality continuum of health care and social services throughout our network of institutions.**

Within our network of institutions, we provide a safe continuum of care, including specialized and ultra-specialized care and services, rehabilitation services, long-term care, community health and social services and frontline services. Quality care depends on respectful collaboration and partnership between users and health and social service professionals, staff and administration.

**5.2. To provide compassionate care and services centered on the user and create an exceptional user experience.**

We strive to accommodate the individual needs of all of our users based on language, ethnic origin, gender, age, sexual orientation, socioeconomic background and religion\*, to an extent that is reasonably possible.

\*Several healthcare institutions within the Integrated Health and Social Services University Network for West-Central Montreal, which were founded by the English Catholic community, the English Protestant community and the Jewish community, continue their commitment to providing an environment and services respectful of cultural and religious needs of the founding community.

**5.3. To develop and promote leadership and excellence in health and social sciences education.**

**5.4. To advance health and social sciences knowledge and practices through excellence in research and innovation.**

The Integrated Health and Social Services University Network for West-Central Montreal recognizes the crucial importance of people's contribution to the achievement of its mission and delivery of quality services to citizens.

In order to promote the health and well-being of individuals providing services, the institution recognizes the importance of a health workplace free of harassment and violence in all its forms. The purpose of this policy is to define and communicate the ways of promoting civility and respect in the workplace, prevent harassment and violence, and put a stop to any situation likely to create harassment and violence.

This policy constitutes the reference for all institutions in the Québec health network for the promotion of civility and respect, management and resolution of conflictual situations and harassment and violence in the workplace by developing their own management procedures.

**COMMITMENTS**

Every person is entitled to a healthy and civil workplace and exempt of all forms of harassment and violence. Accordingly, the Integrated Health and Social Services University Network for West-Central Montreal will not permit any tolerance in breach of this policy.

The employer is committed to promoting civility, respect and resolution of conflictual situations in the relationships on its premises, in compliance with the organizational values and the current code of ethics.

The employer is also committed to take the appropriate measures to ensure that every person contributing to the achievement of its mission, benefits from of a healthy and respectful work environment, free of harassment and violence in any form.

## **6. Application procedure**

- 6.1. The Integrated Health and Social Services University Network for West-Central Montreal expects collaboration from everyone and encourages every person contributing to its mission to adopt civil behaviour. In addition, it encourages them to rely on, as needed, procedures stemming from this policy.
- 6.2. The Integrated Health and Social Services University Network for West-Central Montreal is committed to showing zero tolerance to demonstrations of harassment and violence. The institution reserves the right to intervene at any time, whether there is a complaint, absence of a complaint or withdrawal of a complaint, when there are reasonable grounds to believe that this policy was violated.
- 6.3. Every person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission is entitled to denounce a situation, request assistance and advice or even to file an official complaint with the person responsible for applying this policy or the person he appoints to ensure that the harassment and violence are stopped, when appropriate.
- 6.4. This policy should not be interpreted as restricting the actions of the institution's managers in the exercise of their management rights.
- 6.5. Every person involved in the process of handling a complaint, whether it is with the complainant, the accused, a witness or any other person, must agree to respect confidentiality and not discuss the facts surrounding the complaint with his colleagues or any other person, except for purposes authorized by the Act, by this policy or for consultation with an advisor of his choice.
- 6.6. Information related to a complaint, including the identity of the parties and witnesses will be handled with discretion by every person involved, including those who will get involved in handling the complaint, unless disclosure of such information is not required to handle the complaint, to the conduct of an investigation or follow-ups or subject to the limitations set out by the legislation.
- 6.7. No person may exercise or try to exercise any form of reprisal, whether in regard to a person who makes or hears a complaint made under this policy. The same situation applies to every person collaborating on the objectives of this policy (witnesses or others).
- 6.8. The person who filed a complaint deemed malicious or in bad faith may face disciplinary sanctions, potentially resulting in dismissal. Filing a complaint made in good faith of which the allegations are not proven does not constitute a malicious complaint.
- 6.9. Any violation of the provisions outlined in the guidelines of this policy will be liable to administrative or disciplinary measures.

## 7. Roles and responsibilities

7.1. Any person contributing to the achievement of the institution's mission must adopt civil behaviour free of harassment or violence, independent of the nature of the duties.

7.2. Furthermore, the person must:

- Review this policy and its update, where appropriate;
- Contribute to maintaining a civil work environment, free of harassment and violence, particularly by adopting behaviour inconsistent with the values promoted by the institution;
- Participate in information and training sessions on the prevention and resolution of conflictual situations, harassment and violence in the work environment;
- Collaborate, when necessary, on any investigation related to a harassment or violence related complaint;
- Ensure confidentiality when the person is involved in handling a situation regarding problematic behaviour or a complaint, in order to avoid contributing to rumours and hawking that compromise the work environment;
- Identify to his immediate supervisor any form of incivility, conflictual situation, harassment or violence that he witnesses to which he is subject;
- Apply the institution's code of ethics<sup>1</sup>.

### 7.3. Minister of Health and Social Services

7.3.1. Receive from the Board of Directors a report outlining any complaint directed to the President and Chief Executive Officer of the Integrated Health and Social Services University Network for West-Central Montreal.

### 7.4. Board of Directors

- 7.4.1 Lead by example by adopting respectful and civil behaviour;
- 7.4.2 Adopt this policy and its update every five years or in line with the approval process;
- 7.4.3 Name the local service quality and complaints commissioner. *(The local service quality and complaints commissioner receives complaints from patients, but also from any other person when the complaint concerns a physician, a dentist, a pharmacist or a resident physician. The local service quality and complaints commissioner systematically forwards these complaints to the examining physician);*
- 7.4.4 Name the examining physician responsible for applying the review procedure for complaints concerning a physician, a dentist or a pharmacist, as well as a resident, after consulting with the Council of Physicians, Dentists and Pharmacists (CPDP) or,

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<sup>1</sup>Act respecting health services and social services, Section 233

- by default, with the physicians, dentists and pharmacists who practice their profession in a facility run by the institution<sup>2</sup>;
- 7.4.5 Receive an annual report on complaints, recommendations, remedial action, from the local service quality and complaints commissioner<sup>3</sup>; (*Although the majority of complaints come from patients, complaints from any other person that concern a physician, a dentist, a pharmacist, or a medical resident will be included in this report*);
  - 7.4.6 Receive an annual report on the application of this policy, particularly with regard to the number of complaints received and handled, their nature and resolution, recommendations, remedial action, by the person responsible for applying this policy;
  - 7.4.7 Receive or handle any complaint of harassment that executive staff of the general management of the Integrated Health and Social Services University Network for West-Central Montreal could be subject;
  - 7.4.8 Send to the Minister of Health and Social Services a report outlining any complaint targeting the President and Chief Executive Officer of the Integrated Health and Social Services University Network for West-Central Montreal ;
  - 7.4.9 Send to the person responsible for applying the policy an anonymized summary report outlining the harassment complaints targeting a member of the CPDP, their nature and their resolution, recommendations and remedial action recommended by the examining physician.

## 7.5. General Management

- 7.5.1 Lead by example by adopting respectful and civil behaviour;
- 7.5.2 Promote this policy and its commitment with every person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission;
- 7.5.3 Ensure that this policy is respected and applied by every person under their responsibility;
- 7.5.4 Name the person responsible for applying this policy using criteria of independence, neutrality and credibility deemed necessary to complete the role and responsibilities that are accorded;
- 7.5.5 Receive a quarterly report on complaints related to workplace harassment and violence from the person responsible for applying this policy;
- 7.5.6 Submit to the Board of Directors an anonymous annual report on the application of the policy, particularly with regard to the number of complaints received and handled, their nature and their resolution, recommendations, remedial action.

## 7.6. Directors, chief medical officers and institution managers

- 7.6.1 Lead by example by adopting respectful and civil behaviour;
- 7.6.2 Ensure that this policy is respected and applied by every person under their responsibility;

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<sup>2</sup> Act respecting health services and social services, Section 42

<sup>3</sup>Act respecting health services and social services, Sections 33 and 76.10



- 7.6.3 Periodically assess risk factors associated with harassment and violence situations in their unit;
- 7.6.4 Ensure that every person under their responsibility receives the necessary information, training and support regarding prevention, management and resolution of situational conflicts, harassment, violence in the work environment;
- 7.6.5 Take reasonable steps to ensure a work environment promoting citizenship and free of any form of harassment and violence;
- 7.6.6 Take quick action as required to put a stop to any conflictual or harassment situation reported to him or of which he is aware;
- 7.6.7 Consult or obtain support from resource persons identified as such, or from the person responsible for applying this policy;
- 7.6.8 Collaborate with the person responsible for applying this policy.

**7.7. The person responsible for applying this policy**

- 7.7.1 Promote civility and respect in the application of this policy;
- 7.7.2 Assess the needs of the institution and define an action plan and activities in connection with the application of this policy;
- 7.7.3 Ensure this policy is distributed and applied with a view to achieving the stated objectives;
- 7.7.4 Ensure collaboration of every person and partner in the application of this policy;
- 7.7.5 Procedural designations provided by this policy;
- 7.7.6 Keep a log of formal complaints received and handled, of their nature and resolution, and provide a report to the President and Chief Executive Officer on a quarterly basis;
- 7.7.7 Develop procedures in particular to achieve the objectives regarding the handling of complaints as outlined in this policy;
- 7.7.8 Review the content of the policy every five years or in line with West-Central Montreal Health's approval process;
- 7.7.9 Periodically review the procedures arising from this policy.

**7.8. The person responsible for applying this policy or the person he appoints**

- 7.8.1 Organize awareness-raising, information and training activities concerning this policy, its objectives and the ways of handling complaints;
- 7.8.2 Provide advice and support related to any question concerning harassment and violence prevention, civility in the work environment and the complaint handling mechanisms for harassment and violence;
- 7.8.3 Receive requests for support regarding the application of this policy and intervene;
- 7.8.4 Receive complaints under this policy;
- 7.8.5 Appoint one or more mediators, as needed;
- 7.8.6 Proceed with the preliminary analysis;
- 7.8.7 Appoint one or more investigators, as needed;
- 7.8.8 Assume any other responsibility entrusted to him under this policy.

## **7.9. Examining physician**

- 7.9.1 Examine any complaint, formulated by a patient or any other person that concerns a physician, a dentist or a pharmacist, as well as a medical resident from the institution, in accordance with the *Act respecting health services and social services*.

## **7.10. Associations of managers and employees, and their representatives**

- 7.10.1 Lead by example by adopting respectful and civil behaviour;
- 7.10.2 Collaborate in the distribution of this policy;
- 7.10.3 Promote among their members conflict prevention, harassment and violence prevention and workplace civility activities;
- 7.10.4 Collaborate when necessary on any investigation related to a complaint about harassment or violence;

## **8. Annexes**

Appendix A - Declaration form

Appendix B - Confidentiality commitment form

# Procedure for managing conflictual situations and handling complaints about harassment and violence

## 1. Scope

- 1.1 This policy applies to every person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission, as well as every person who is on its premises (e.g.: patients, visitors, suppliers, subcontractors, partners).
- 1.2 It applies to all situations that have a connection to work, on the work premises or outside of the normal place of work.
- 1.3 It applies in particular to relations with persons from outside as part of their work and during professional and social activities related to work. Furthermore, it applies to the inappropriate use of information technologies, regardless of the location of the person responsible for misconduct or of the Integrated Health and Social Services University Network for West-Central Montreal employee targeted by this behaviour (e.g.: social media, blog, text message).

## 2. Description of the procedure

### 2.1 PROCESS TO FOLLOW

The Integrated Health and Social Services University Network for West-Central Montreal aims to implement ways of managing conflictual situations to facilitate resolution based on the needs of individuals and interests of each person. At all times, this is the encourage approach to take before reaching the point of filing an official complaint of harassment or violence in the workplace.

Although the Integrated Health and Social Services University Network for West-Central Montreal prescribes an approach based on reconciliation and resolution of conflictual situations and institutes the policy in an objective of preventing situations of violence and harassment, a person can, at any time, avail himself of the procedure to handle complaints of harassment and violence provided in Section 5.

### 2.2 PROCEDURE FOR MANAGING CONFLICTUAL SITUATIONS ARISING BETWEEN PERSONS CONTRIBUTING TO THE ACHIEVEMENT OF THE INSTITUTION'S MISSION:

An approach involving three steps is proposed to manage and resolve conflictual situations likely to arise in the workplace. This approach can be adjusted based on the nature and the persons affected by the conflictual situation, but generally comprises the following steps:

**Step 1: Resolve by yourself the conflictual situation or presumed harassment.**

**Step 2: Obtain support from your immediate supervisor.**

**Step 3: Have the person responsible for applying the policy or the person designated**

get involved.<sup>4</sup>

## 2.3 PROCEDURE FOR HANDLING COMPLAINTS OF HARASSMENT AND VIOLENCE

### Principles pertaining to the handling of complaints:

- Any complaint of harassment or violence is handled diligently and impartially. It is handled with discretion, in compliance with the rules of confidentiality applicable to all persons concerned, without restricting the right of a person who feels aggrieved to consult and obtain advice.
- Any party (complainant party and accused party) is listened to and taken seriously; may consult an advisor of his choice; is heard to be able to promote his point of view, validate the content of his statement and is informed of the conclusions.
- A complaint that is malicious or made in bad faith whose only objective is to damage and violate a person or withdraw from him some advantage, is prohibited and may result in administrative or disciplinary action. Sanctions may also be taken following bullying or reprisals, toward the complainant or witnesses.
- At any time, the complainant retains the right to postpone steps, at any stage of the process, in order to use other ways to resolve the situation.
- Under no circumstances does the filing of a complaint postpone management action being taken by the immediate supervisor with the persons concerned regarding the events presented or not in this complaint, unless the person responsible for applying the policy or the person designated indicates the contrary.
- In all cases, when a person makes a complaint, the immediate supervisor, or the hierarchical supervisor of the respondent must be informed.
- The use of procedures arising from the policy of the Integrated Health and Social Services University Network for West-Central Montreal does not result in depriving the complainant from using other forms of legal recourse if he so desires.

### 2.4 Filing a complaint to the person responsible for applying the policy or the designated person

The complainant who wants to file a complaint can consult with the person responsible for applying the policy to discuss the situation and, if appropriate, draft his complaint and submit it to him.

The complaint must be written on the form provided for this purpose (Appendix A). It may be sent by internal mail or by email to the person responsible for applying the policy at the following address: Ms. Amina Talib, Associate Director, Human Resources, Jewish General Hospital, [amina.talib.cvd@ssss.gouv.qc.ca](mailto:amina.talib.cvd@ssss.gouv.qc.ca).

A confirmation of receipt will be sent to him as soon as possible.

The process of handling a complaint is completed as soon as possible upon receipt and the person responsible for applying the policy notifies the parties involved.

If a medical student or resident wants to file a complaint, the student or resident has the choice to do so with the designated office of his university or with the academic institution to

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<sup>4</sup> For students and residents in a situation of distress, visit the following website: <http://co.intra.mtl.rtss.qc.ca/index.php?id=29858&L=0> to consult additional resources of informational.

which he is affiliated<sup>5</sup> according to the terms of their policies and procedures, OR with the Integrated Health and Social Services University Network for West-Central Montreal to the person responsible for applying the policy at the following address: Ms. Amina Talib, Associate Director, Human Resources, Jewish General Hospital, [amina.talib.cvd@ssss.gouv.qc.ca](mailto:amina.talib.cvd@ssss.gouv.qc.ca). The student or resident is free to choose with which institution he wants to file his complaint and this decision is entirely his and is final once the complaint has been filed. The institution to which the student or resident filed his complaint is in charge of handling the complaint according to the institutional policies and procedures and the student or resident will not be allowed to modify the institutional forum to handle his complaint.

## 2.5 Preliminary analysis of the complaint

The preliminary analysis consists of examining whether the situation subject to the complaint arises from a likely situation of psychological harassment according to the presence of the five (5) criteria of the definition of psychological harassment stipulated by Québec's Act respecting labour standards:

- Vexatious behaviour (meaning abusive, humiliating or hurtful);
- Hostile and unwanted verbal comments, gestures or conduct;
- Repeated character of actions;
- Harming the person's dignity or psychological or physical integrity;
- A harmful work environment.

In addition, in order to be considered admissible, **any complaint must be filed within two (2) years following the latest manifestation of the conduct alleged**. This time is extended, if required, to take into account the period in which action was taken to resolve the situation, either by the immediate supervisor or by the person responsible for applying the policy, or the designated person.

It should be noted that the preliminary analysis does not consist of investigating or determining whether the complaint is well founded, but rather to determine the relevance of conducting an in-depth investigation of the alleged facts in consideration of the legal obligations of the Act respecting labour standards.

### 2.5.1. If the complaint does not meet the criteria of the legal definition, the person responsible for applying the policy (or the designated person):

- Informs the complainant of his conclusions;
- Proposes, based on the situation, other ways of resolving the problematic situation;
- Encourages the complainant to participate, in a context of shared responsibility, in seeking solutions (particularly mediation if it has not been tried) and directs him to other resources or appropriate authorities as needed;
- Involves the supervisor concerned, as well as the human resources management advisor in order to provide them with information relevant to seeking a solution and

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<sup>5</sup> For the medical students and residents of McGill University, they can contact The Office of Learner Affairs Faculty of Medicine McGill University Meredith Annex 3708 Peel Street, Montreal, email: [thewelloffice@mcgill.ca](mailto:thewelloffice@mcgill.ca) (visit the website : <http://www.mcgill.ca/thewelloffice/contactus>). For all the other students and residents, consult the office designated of your university or academic institution to which you are affiliated. (For additional information, visit the website : <http://co.intra.mtl.rtss.qc.ca/index.php?id=2985&L=0>)

resolving the situation.

**2.5.2. If the complaint meets the criteria of the legal definition**, the person responsible for applying the policy may suggest mediation or any other approach likely to rectify the situation on a voluntary basis.

An administrative investigation takes place when a complaint is deemed admissible and the alternative steps to resolve the problem have been rejected and/or failed. The person responsible for applying the policy, or the designated person, appoints an investigator whose mandate involves:

- Gathering the version of facts of the persons concerned through the subject of the complaint;
  - Determine whether the allegations are well founded or not;
  - Determine if the accused person had one or more incidences of psychological harassment behaviour toward the complainant;
  - Determine whether this policy was violated;
  - Issue recommendations to management the situation;
  - Draft and present the investigation report to the person responsible for applying the policy.
- Any person accused is informed of what he is being reproached for and has reasonable time to prepare before an interview.
  - The complainant and the accused person are met with individually, as well as the witnesses. They may be accompanied, at any time, by a person of their choice who acts as an observer and who would not be a potential witness in the investigation. All persons met must sign the confidentiality agreement form (Appendix B).
  - The investigator submits his report, conclusions and recommendations to the person responsible for applying the policy. This person then sends the conclusions of the investigation report to the two parties concerned as well as to the Director of Human Resources, Communications and Legal Affairs or his representative.
  - This representative, in collaboration with the director of the unit concerned, is responsible for assessing the degree of sanction required and applying appropriate disciplinary action or any other measures. The one or more supervisors concerned, as well as his immediate supervisor, are informed of the conclusions and measures to be implemented. An action plan is agreed to with the supervisor(s) concerned.
  - The complainant and the accused person are informed verbally and in writing of the conclusions of the investigations by the person responsible for applying this policy. If appropriate, they are informed of action taken and of the relevant outcome for each of them. In the case where sanctions or disciplinary measures are applied, the Director of Human Resources, Communications and Legal Affairs or the representative is involved.

## **2.6 Application and implementation of solutions**

At all times, it is the responsibility of the immediate supervisor of the employees involved, or of the hierarchical supervisor of the person accused to take the necessary measures, if needed by involving the Directorate of Human Resources, Communications and Legal Affairs, in order to put a stop to uncivil behaviour, harassment and violence, regardless of

whether the complaint meets the criteria of the legal definition of harassment.

He must therefore take into consideration the recommendations of the investigation report, the advice of the representatives and implement the agreed actions. As needed, the person responsible for applying the policy may follow up on the application of the measures or recommendations with the immediate supervisors concerned.

If after the investigation, the allegations of harassment or violence are proven, administrative or disciplinary measures will be taken. These measures could be as severe as dismissal, according to the nature of the allegations and the seriousness of them.

Any complaint filed, as well as investigation reports, are kept confidential, in a single place, in the office of the person responsible for applying the policy, for five years.

### **3. SPECIFIC PROVISIONS FOR HANDLING COMPLAINTS**

#### **3.1 Complaint against a physician, dentist, pharmacist or medical resident**

The person contributing to the achievement of the mission of the Integrated Health and Social Services University Network for West-Central Montreal who wants to file an official complaint of harassment against a member of the CPDP can choose to file his complaint with the person responsible for applying this policy or with the institution's local service quality and complaints commissioner. If he chooses to file his complaint with the person responsible for applying this policy, that person will immediately forward it to the local service quality and complaints commissioner who, in turn, will ensure it is sent to the examining physician for review.

A medical student or resident will have the choice to formulate his complaint with the designated office of his university or of the academic institution to which he is affiliated in accordance with its applicable policies and procedures, OR with the Integrated Health and Social Services University Network for West-Central Montreal to the person responsible for the application of the policy of the CIUSSS, the whole as explained in section 2.4 of this procedure.

A patient, visitor or a member of the family of a patient wishing to file a complaint for harassment or violence against a member of the CPDP or against a resident must follow the procedure of the *Act respecting health services and social services*. The complaint is then filed with the Local service quality and complaints commissioner. The mechanisms already established by the Integrated Health and Social Services University Network for West-Central Montreal must then be applied.

#### **3.2 Complaint against a person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission other than a physician, dentist, pharmacist or medical resident**

A person contributing to the achievement of the mission of the Integrated Health and Social Services University Network for West-Central Montreal (including a physician, dentist, pharmacist) who wants to file a complaint for harassment or violence against a person contributing to the achievement of the institution's mission who is not a member of the CPDP or a medical resident must file his complaint to the person responsible for applying this policy or the designated by that person.

A medical student or resident will have the choice to formulate his complaint with the

designated office of his university or of the academic institution to which he is affiliated in accordance with its applicable policies and procedures, OR with the Integrated Health and Social Services University Network for West-Central Montreal to the person responsible for the application of the policy of the CIUSSS, the whole as explained in section 2.4 of this procedure.

A patient, visitor or a member of the family of a patient wishing to file a complaint for harassment or violence against a person contributing to the achievement of the mission of the Integrated Health and Social Services University Network for West-Central Montreal other than a physician, dentist, pharmacist or medical resident must follow the procedure of the *Act respecting health services and social services*. The complaint is then filed with the Local service quality and complaints commissioner. The mechanisms already established by the Integrated Health and Social Services University Network for West-Central Montreal must then be applied.

### **3.3 Complaint against a patient, visitor, family member of a patient**

A person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission (including a physician, dentist or pharmacist), wishing to file a complaint for harassment or violence against a patient, a visitor or a member of the family of a patient must notify his immediate supervisor. The immediate supervisor applies the mechanisms provided by the current procedures of the institution.

A medical student or resident will have the choice to formulate his complaint with the designated office of his university or of the academic institution to which he is affiliated in accordance with its applicable policies and procedures, OR with the Integrated Health and Social Services University Network for West-Central Montreal to the person responsible for the application of the policy of the CIUSSS, the whole as explained in section 2.4 of this procedure.

A patient, visitor or a member of the family of a patient wishing to file a complaint for harassment or violence must follow the procedure of the *Act respecting health services and social services*. The complaint is then filed with the Local service quality and complaints commissioner. The mechanisms already established by the Integrated Health and Social Services University Network for West-Central Montreal must then be applied.

### **3.4 Suppliers, subcontractors or partners**

The person in charge of granting service contracts is responsible for informing all persons who work under temporary arrangements about the expected behaviour in the institution. In the case of partners, the general management or its representative will be responsible for informing them of the policy in effect in the institution.

A person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission wishing to file a complaint for harassment or violence against a supplier, subcontractor or partner must notify his immediate supervisor. He applies the mechanisms provided for in the procedures in effect in the institution.

The supplier, subcontractor or partner who believes to be a victim of harassment or violence can file a complaint with the person responsible for applying this policy.

### **3.5 Researchers and students**

A person contributing to the achievement of the Integrated Health and Social Services University Network for West-Central Montreal's mission wishing to file a complaint for harassment or



violence against a researcher or a student must mandatorily notify his immediate supervisor. He applies the mechanisms provided for in the procedures in effect in the institution. The person responsible for applying this policy, or the designated person, must take the necessary action to ensure that the process is pursued with the academic institution, where appropriate.

A researcher who wishes to file a complaint for harassment or violence against another person contributing to the institution's mission may file his complaint with the person responsible for applying this policy.

A medical student or resident will have the choice to formulate his complaint with the designated office of his university or of the academic institution to which he is affiliated in accordance with its applicable policies and procedures, OR with the Integrated Health and Social Services University Network for West-Central Montreal to the person responsible for the application of the policy of the CIUSSS, the whole as explained in section 2.4 of this procedure.