

Code of ethics

Regulation N° 9

CENTRE DOLLARD-CORMIER
Centre de réadaptation en dépendance



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Introduction

Foremost among the principal objectives of the Act respecting Health Services and Social Services is the establishment of all measures necessary to ensure the respect of users' rights by the institutions providing these services and by all their employees. Section 3 of this Act establishes the following guidelines for the management and provision of health and social services:

- A) The person requiring services is the reason for the very existence of those services;
- B) Respect for the user and recognition of his¹ rights and freedoms must inspire every act performed in his regard;
- C) The user must be treated, in every intervention, with courtesy, fairness and understanding, and with respect for his dignity, autonomy and needs.
The obligation for every health and social service establishment to develop a code of ethics is one of these measures.

Every institution must adopt a code of ethics which shall set out the rights of the users and the practices and conduct expected, with respect to the users, from the employees, the trainees, including medical residents, and the professionals practising in a centre operated by the institution.

The institution must give a copy of the code of ethics to every user who is an in-patient or who makes a request therefor. (Section 233)²

The lawmakers wish to ensure both that all users are well informed of their rights regarding health and social services; and that institutions define in a concrete manner the conduct expected from their staff in order to ensure these rights are respected.

¹ The masculine gender is used without any intent to discriminate but solely to make the text easier to read

² Wherever a clause of this code of ethics refers to a section of the Act Regarding Health Services and Social Services, the section in question is cited in reference. Direct citations are in italics.

Code of ethics

1. Object

This code of ethics addresses the desire of the *Centre Dollard-Cormier* to:

- 1.1. Promote the rights of users regarding services provided by the centre by defining in the said rights in their specific context wherever necessary, and ensure that users are informed of these rights;
- 1.2. Clarify rehabilitation practice ethics for all employees. Many employees are already governed by the code of ethics of their own profession and the current code is not intended as a replacement. However, the Centre has its own responsibilities regarding the quality of services provided to users and the respect of users' rights. Thus, the aim of the code of ethics is to clarify the obligations of staff members in this respect. It should be specified that the term **staff** is used here in its broadest sense and includes not only salaried employees of the institution, both unionised and management, but also the members of its board of directors, volunteers, contractual employees and research personnel.

Thus, the institution recognise its responsibility for ensuring, together with all its staff members, the well-being of users requiring its services and the respect of the rehabilitation policies adopted by the institution.

2. Definitions

Institution: *Centre Dollard-Cormier*. Montreal region rehabilitation centre for individuals with problems of alcoholism, drug addiction, and excessive gambling.

Employee: A salaried staff member of the institution: unionized, management, or unionizable non-unionized. For the purposes of this code, the term also designates research team members, contractual employees, trainees and volunteers working in the institution. It also includes, by extension, the members of the board of directors and of the Users Committee.

Clinician: A salaried employee belonging to one of the professional councils of the institution. By extension, designates any salaried employee, trainee or volunteer carrying out clinical activities in the institution.

User: Person receiving or wishing to receive the services of the institution.

3. Users' rights

This section sets out the rights of users receiving or wishing to receive services from the institution. It cites, often word for word, those rights set out in the Act Respecting Health Services and Social Services that seem most pertinent to the institution's rehabilitation context. The institution recognizes its obligation to respect the rights of its users as formulated in the laws and charters of rights in effect in Quebec and Canada.

- 3.1. *Every person is entitled to be informed of the existence of the health and social services and resources available in his community and of the conditions governing access to such services and resources. (Section 4).*

Every user of the institution thus has the right to be informed of the objectives, nature, duration, implications, restrictions and constraints inherent in the proposed rehabilitation process.

- 3.2.** *Every person is entitled to receive, with continuity and in a personalized manner, health services and social services which are scientifically, humanly and socially appropriate. (Section 5).*
- 3.3.** *Every person is entitled to choose the professional or the institution from whom or which he wishes to receive health services or social services. (Section 6).*

The Act Respecting Health Services and Social Services limits the exercise of this right in two ways:

- 3.3.1.** *Nothing in this Act shall restrict the freedom of a professional to accept or refuse to treat a person. (Section 6).*
- 3.3.2.** *The right to health services and social services and the right to choose a professional and an institution as provided in sections 5 and 6 shall be exercised within the framework of the legislative and regulatory provisions relating to the organizational and operational structure of the institution and within the limits of the human, material and financial resources at its disposal. (Section 13).*

In keeping with the restrictions provided for in section 13 of the Act Regarding Health Services and Social Services and within the context of the rehabilitation policies adopted by the institution, the right to choose a professional shall be limited by the availability of practitioners, the constraints of clinical programming, and the pertinence of the user-practitioner pairing, as assessed in the intervention plan.

Notwithstanding the limits enumerated above, the user retains at all times the right to ask to choose the practitioner from whom the user shall receive services or to stop receiving services from a practitioner.

- 3.4.** *Before giving his consent to care concerning him, every user of health services and social services is entitled to be informed of his state of health and welfare and to be acquainted with the various options open to him and the risks and consequences generally associated with each option. (Section 8).*

In order to allow for the exercise of this right, the user shall have access to the user's records in accordance with both the policies in force in the institution and the provisions of Chapter II of the Act Respecting Health Services and Social Services.

- 3.5.** No person may be made to undergo care of any nature, whether for examination, specimen taking, treatment or any other intervention, except with his consent.

Consent to care or the authorization to provide care shall be given or refused by the user or, as the case may be, his representative or the court, in the circumstances and manner provided for in articles 10 and following (sic) of the Civil Code. (Section 9).

Moreover, every user is entitled to respect for the user's mental and emotional state at the time of contracting a formal commitment.

- 3.6.** *Every user is entitled to participate in any decision affecting his state of health or welfare. He is entitled, in particular, to participate in the development of his intervention plan or individualized service plan where such plans are required under sections 102 and 103. The same applies to any modification made to such plans. (Section 10).*

- 3.7.** *Every user is entitled to be accompanied and assisted by the person of his choice when he wishes to obtain*

information or take steps in relation to any service provided by an institution or on its behalf or by any professional practising in a centre operated by the institution. (Section 11).

- 3.8.** *Every user is entitled to express without prejudice any dissatisfaction with services received insofar as the user does so in a manner respectful of the persons concerned. Every user has the right under such circumstances to prompt treatment of the user's complaints. (Section 172).*

Nothing in this Act restricts the right of a person or his successors to pursue a remedy against an institution, its directors, employees or servants or a professional by reason of a professional or other fault. In no case may such remedy be waived. (Section 16).

- 3.9.** *Every user is entitled to privacy. In all matters and at all times, the user is entitled to confidentiality, except in those circumstances explicitly prescribed in the Act.*

- 3.10.** *Every user has the right to object that their name, first name and address be used by an institution for the purpose of inviting donations to the said institution or to the foundation of this institution. The institution is in fact bound to allow users the opportunity to refuse that the information concerning them be used for that purpose. Once this condition is satisfied, the institution may then provide names, first names and addresses of users to the Dollard-Cormier Foundation.*

- 3.11.** *The institution may use the name, address and telephone number contained in a user's record to carry out surveys to ascertain user expectations and satisfaction with respect to the quality of the services offered by the institution. (AHSSS, Section 107).*

To that end, an institution may communicate to a recognized accreditation body the same information as it may use under section 107 for carrying out surveys, to the extent that the information is required for verifying the satisfaction of the institution's clientele with the services obtained. Sections 27.1 and 27.2 apply, with the necessary modifications, when information is communicated to such a body. In addition, the body must agree to respect the rules governing the use of such information set out in the code of ethics adopted under section 233.

Every user is entitled to refuse to allow an institution to use their name and address to carry out surveys. The institution must give the user a valid opportunity to refuse to allow that information to be used for such a purpose. Once this condition has been satisfied, the institution may provide users' names and address so surveys may be carried out. A user may at any time request the institution to no longer use the information concerning the user for such a purpose.

- 3.12.** *The rights of all persons recognized under this code of ethics may be exercised by a representative, notably the holder of parental authority of a user who is a minor, or his legal guardian. (Section 12).*

4. Practices and conduct required of all institution personnel

(Certain points in this section specifically concern members of the clinical staff and are worded accordingly).

4.1. Quality of care

4.1.1. *Employees are responsible for providing quality care.*

4.1.2. *Employees shall endeavour to improve their work and increase their skills using the means pro-*

vided by the institution or through their own initiative.

4.1.3. *Employees shall provide services to users within the limits of their abilities and the mandates they have received from the institution.*

4.1.4. *Employees shall report for work in a state compatible with the regarding the quality of the performance of their duties. They must not, under any circumstances, be inebriated, and their faculties must not be impaired*

4.2. Respect for users

4.2.1. *The behaviour of the employees must be above reproach and show respect for the users on physical, mental and emotional levels. In particular, they must abstain from developing friendships, and intimate, love and/or sexual relationships with users. Similarly, they must abstain from consuming drugs or alcohol with centre users and avoid, as far as possible, the consumption of such substances in the presence of users.*

4.2.2. *All forms of harassment are inadmissible.*

4.2.3. *For this purposes of this Code of Ethics, sexual harassment is defined as follows: is considered sexual harassment, not only what is called sexual abuse, attempts of assault or assault itself, but also other imposed behaviours such as seductive gestures, insinuations or jokes with a sexual connotation, requests for dates or sexual favours, all of which can constitute harassment. Harassment becomes evident if there is pressure or inconsiderate repetition from one side and refusal from the other.³ However, refusal is not a necessary condition for harassment to have occurred.*

4.2.4. *Clinicians shall respect their appointments with users. They must ensure that users are informed of any absence or delay on the clinicians' part regarding any planned activity with them.*

4.2.5. *Clinicians shall recognizes the user's right to request a change of clinician and shall not in any way hold it against the user.*

4.2.6. *Clinicians shall not cease to provide services to a user except for fair and reasonable motives, such as:*

- ◆ *the user having lost confidence;*
- ◆ *the user no longer benefiting from the services provided;*
- ◆ *the clinician being in a conflict that compromises the clinician's relationship with the user;*
- ◆ *the user behaving in such a way as to jeopardize the user's physical or psychological safety;*

³ Code de déontologie des massothérapeutes, p.2. Literal translation.

- ◆ the user inciting the clinician to commit illegal, unfair or fraudulent acts.

When making such a decision, the clinician must take into account the rules and norms in force in the institution and ensure that the situation is not prejudicial to the user. The decision must be made in consultation with supervisory personnel.

4.3. Integrity and detachment

- 4.3.1.** *Employee shall place the users' personal interests above their own, those of the institution and those of their colleagues.*
- 4.3.2.** *Employees shall carry out their duties with integrity and must not take advantage of the users' trust.*
- 4.3.3.** *Employees shall avoid placing themselves in conflict of interest or giving the appearance of being in one. As soon as employees realize that they are in conflict of interest, or that there is the appearance or risk of conflict of interest, they must immediately inform their superiors or the Director of Professional Services and Research of the situation.*
- 4.3.4.** *Employees will not accept any payment or advantages, in goods or in services, from users for services rendered in the scope of their work. Employees must refrain from accepting any presents of anything more than symbolic value.*
- 4.3.5.** *Employees shall not suggest or directly offer private services to users, even if the offer does not change the quantity or quality of the services the users receive from the institution.*
- 4.3.6.** *Clinicians who wish to see users from the institution in their private practice may only do so at the users' request and in accordance with the institution's policy or regulations regarding such matters.*
- 4.3.7.** *In order to avoid potential conflicts of interest and ambiguous situations, clinicians must abstain from providing professional services to family members, friends, fellow-workers, employees or students under their instruction.*

4.4. Confidentiality

- 4.4.1.** *All employees are bound to respect the confidentiality of all information about or received from a user. Considered confidential are any verbal or written information permitting a user to be identified, including the knowledge of the fact that a person is receiving or has requested our services. Employees must avoid indiscreet conversations concerning users or the services provided to them.*
- 4.4.2.** *The obligation to confidentiality does not prohibit employees from providing information received regarding a user to other clinicians in the institution involved in the user's intervention plan or to clinical managers.*
- 4.4.3.** *Employees who deem it necessary to transmit personal information concerning a user must do so at the appropriate time and place.*

- 4.4.4.** *Only those employees of the institution who are duly authorized in the context of their duties may have access to users' files. The personnel categories that have access to user files in the exercise of their functions must be specified in the institution's declaration to the Quebec Commission d'accès à l'information.*
- 4.4.5.** *Consultation of the clinical contents of a user's file must be done within the context of the user's intervention plan, a research or teaching project authorized by the Director of Professional Services and Research, or of quality control of services and professional practice by the management staff responsible.*
- 4.4.6.** *Clinicians may be released from their obligation to confidentiality in the following situations: upon written authorization from the user, when so ordered by law or when discussing the case with other clinicians of the institution. A clinician may also be released from this obligation if the clinician deems, after serious reflection and/or consultation, that a clear or imminent danger for the individual or society may thus be avoided. In such a situation, the clinician must only reveal this information to the persons or authorities concerned.*
- 4.4.7.** *Clinicians who lead group activities must inform the users involved of the possibility that aspects of the participants' private lives may be revealed, and invite them to respect the confidential nature of the sessions.*
- 4.4.8.** *Clinicians must protect the anonymity of users when using the information obtained for teaching or research purposes.*
- 4.4.9.** *Written and informed consent must be obtained from all users invited to participate in research projects or audiovisual taping.*

4.5. Relations with colleagues and the institution

- 4.5.1.** *Employees must respect the intervention philosophy and policies of the institution as set out in the organizational plan.*
- 4.5.2.** *Employees shall carry out their duties in the spirit of partnership with the other staff members, especially their own work group. They shall maintain a respectful and co-operative attitude towards their colleagues.*
- 4.5.3.** *In working with users, clinicians must avoid criticizing colleagues' actions and instead follow the hierarchical procedure established for dealing with any reservations or disagreements they may experience with regards to a colleague's interventions, or discuss the matter directly with the colleague in question. Clinicians must however inform all users who express dissatisfaction regarding the services they have received of the users' right to lodge a complaint and inform them of the procedure for doing so.*
- 4.5.4.** *Employees must respect their colleagues' private life in the presence of users. Employees must not, under any circumstances, disclose information such as the name of a colleague's spouse, a*

colleague's home address, marital status or home phone number.

5. Distribution of the code of ethics

- 5.1.** Users must be informed at the admission stage of the existence of the present code of ethics and the procedures to follow to obtain a copy.
- 5.2.** A copy of the code of ethics must be made available in the waiting rooms reserved for users.
- 5.3.** A copy of the code of ethics must be made available to each user staying as an inpatient in one of the institution's services.

6. Responsibilities pertaining to the code of ethics

- 6.1.** It is the duty of the institution, within the limits of its resources, to provide its staff members with the working conditions, supervision and professional development necessary to the implementation of this code.
- 6.2.** All employees have the obligation of intervening when serious breaches of this code of ethics come to their attention.
- 6.3.** In order to ensure the implementation of this code of ethics, the employer will provide all new employees with a copy of the code; it will then be incumbent upon the salaried employee to take all measures necessary to the respect of the current document in its entirety.
- 6.4.** In the event of non-respect of the code of ethics, the employer will be under the obligation of taking disciplinary measures appropriate to the gravity of the breach.

7. Code of Ethics and Professional Conduct revision process

- 7.1.** The center is committed to review the code of Ethics and Professional Conduct every 3 years.
- 7.2.** This revision process will be done in collaboration with the quality and complaints commissioner and the Users' committee.