

*The
Protection
for Persons
in Care
Act*

Information
For Staff
RELATED TO AN
INVESTIGATION



Manitobans benefit from a high-quality health care system that is among the world's best. Regional health authorities, professional associations, regulatory bodies, and health facility staff and management co-operatively maintain this high standard of care.

REPORTING PROCESS

What is the Protection for Persons in Care Act?

The Act is a law that protects adults from abuse while receiving care in personal care homes, hospitals or any other designated health facility. This law also protects caregivers, and others who work with persons in care, against malicious or false reports of abuse.

Who handles reports of suspected abuse?

The Protection for Persons in Care Office (PPCO) of Manitoba Health receives and investigates reports of suspected patient abuse in health care facilities across the province.

Does the PPCO investigate every report?

No. When the PPCO receives a report, a staff professional reviews the situation and assesses whether an investigation is required. The kind of action taken also depends on the type of report. Some matters fall outside the scope of the legislation and may be referred back to the facility or the regional health authority for follow-up.

Who is required to report?

Abuse or suspected abuse must be reported promptly to the PPCO by anyone who has a reasonable basis to believe abuse has occurred, or is likely to occur. As a health care facility staff person who has witnessed an abuse situation, you should also notify your supervisor, but you are still ultimately responsible for reporting the alleged abuse to the PPCO.

Can I make an anonymous report?

The PPCO needs your name and telephone number in case it's necessary to call you back for more information or to let you know about the outcome of the report.

Am I protected if I make a report?

The Act states that no action or other proceeding may be brought against a person for making a report of abuse. In addition, the reporter is protected from adverse employment action undertaken by the operator of a health facility, as long as the report is made in good faith.

INVESTIGATION PROCESS

What happens when the PPCO conducts an investigation?

The PPCO notifies the health facility that the issue has proceeded to investigation. The investigator's name is provided and a response is requested along with information necessary to complete the investigation. The investigator may want to meet with and/or obtain statements from people who could have information about the reported incident. These interviews can be arranged at the facility or off-site, depending on the wishes of the person being interviewed.

Who conducts the investigation?

Investigators are PPCO professional staff who look into reports of abuse for Manitoba Health. Their job is to collect information and facts, and then determine if abuse occurred.

Can I refuse to be interviewed?

If an investigator contacts you for an interview, your co-operation is essential to ensuring a fair process for all involved. You can refuse to be interviewed; however, the investigator will continue the investigation and make conclusions and recommendations without your input.

It is important to consider that the interview process gives you the chance to share your version of what happened. It ensures that the situation is seen from all perspectives.

Individuals identified as persons who have abused will be given the opportunity for an interview to answer the allegations against them. Failing the scheduling of an interview, individuals will be advised that they have been identified as persons who have abused.

Can I bring someone to the interview?

You may choose to have a union representative, supervisor, your lawyer or someone else present with you during the interview as an independent observer, or you can meet with the investigator alone. Independent observers will be informed of their role in providing support but may not interfere or ask questions during the interview process.

Is there any protection for a staff person who has been interviewed as a witness?

Yes, similar to the protection afforded the reporter, the Act directs the PPCO to keep witness names confidential.

What happens after the investigator finishes the investigation?

The investigator determines whether abuse has occurred. A letter will be sent to the health care facility confirming that the report was founded. In some cases, the letter will also give specific direction about steps the facility must take to address the situation. If the investigation concluded that there was no abuse, the PPCO will confirm in writing that the report was unfounded. Before the PPCO sends a letter to

confirm the findings of the investigation, the health care facility will be notified of the results at a meeting. The facility's management team, along with representatives of the PPCO and the regional health authority, are usually present at the meeting and are given a written summary of the investigation findings and draft directives (if any) to review and discuss.

Can the PPCO recommend disciplinary action?

No. The PPCO can provide direction only about how to protect resident and patient safety. The facility is responsible for handling human resource issues. The PPCO may, however, refer a person(s) to the appropriate association(s) for review of their professional conduct.

RESOURCES FOR STAFF

What resources are available for staff? Health facility employees have access to appropriate resources that provide support during or after an investigation such as:

- Management support or referral to other resources (i.e., spiritual or ethical consultation)
- Employee Assistance Programs (EAP): 204-786-8880, toll-free 1-800-590-5553, TTY 204-775-0586. Available 24 hours/day, seven days/week
- Your union representative
- Your professional association
- College of Registered Nurses of Manitoba: 204-774-3477

- College of Licensed Practical Nurses of Manitoba: 204-663-1212
- College of Registered Psychiatric Nurses of Manitoba: 204-888-4841
- Canadian Nurses Protective Society (CNPS) 1-800-267-3390 (for Registered Nurses)
- Co-workers and friends
- Private counselling agencies

MORE INFORMATION?

If you have questions about the legislation, the investigation process or about "abuse" in general, please contact:

The Protection for Persons in Care Office
300 Carlton Street
Winnipeg MB R3B 3M9

Phone: 204-788-6366
Toll-free: 1-866-440-6366
outside Winnipeg

Fax: 204-775-8055

TTY: 204-774-8618
Toll-free: 1-800-855-0511

E-mail: protection@gov.mb.ca

Website:
www.gov.mb.ca/health/protection

