

*The  
Protection  
for Persons  
in Care  
Act*

Information  
For Staff  
RELATED TO AN  
INVESTIGATION



**M**anitobans 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 and neglect 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 and neglect.

#### Who handles reports of suspected abuse and neglect?

The Protection for Persons in Care Office (PPCO) of Manitoba Health receives and investigates reports of suspected patient abuse and neglect 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?

Suspected abuse and neglect must be reported promptly to the PPCO by anyone who has a reasonable basis to believe that abuse or neglect occurred, or is likely to occur. As a health care facility staff person who has witnessed abuse or neglect, you should also notify your supervisor and document that you have done so. If your facility has a process for reporting allegations to the PPCO, this should be followed.

#### 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. Your name is treated as confidential and is not shared with anyone.

#### 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 or neglect. 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 or neglect for Manitoba Health. Their job is to collect information and facts and then determine if abuse or neglect 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. If you refuse to be interviewed, the PPCO may decide to seek a warrant to compel an interview with you.

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 alleged abusers will be given the opportunity for an interview to answer the allegation against them.

#### 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 or neglect has occurred. Before the PPCO sends a letter to the facility to confirm the findings of the investigation, the health care facility may be verbally 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 this meeting. Any draft directions would be reviewed at this time. The facility is then given an opportunity to respond in writing to the findings and draft directions if applicable.

A letter will then be sent to the health care facility confirming the finding of the investigation. In some cases, the letter may also give specific direction about steps the facility must take to address the situation.

#### 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.

The PPCO may also refer an individual to the Adult Abuse Registry Committee if it concludes abuse or neglect occurred.

### 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](http://www.gov.mb.ca/health/protection)

