

# Compliance and Business Ethics Program

June 9, 2017

## Purpose

As part of the Audit and Finance Committee's Terms of Reference, an annual review of the organization's compliance and business ethics program is required. This report provides a summary of activities that demonstrate Covenant Health's compliance with this requirement.

This report is presented for information and discussion.

## Updates

The Terms of Reference for the Audit and Finance Committee states:

"Discuss with management the Corporation's policies and procedures designed to ensure an effective compliance and business ethics program, including the Corporation's business code of ethics."

In the past year, the following key policies, organizational ethics discernments, and other educational activities have been developed and successfully implemented, or are nearing completion:

### **Corporate Policies:**

#### *1. Responding to Requests for Medical Assistance in Dying*

This new policy, released in May of 2016, addresses the ethical challenges in complying with legislation while upholding commitment to conscience protection rights and respect for our institutional and ethical integrity, without putting the person in our care requesting medical assistance in dying at risk of harm or abandonment (see Article #165 in *the Health Ethics Guide*, and p. 5 of Covenant Health's Code of Conduct, *Our Commitment to Ethical Integrity*).

The policy is consistent with the *Health Ethics Guide*, our foundational ethics resource, and informed by our clinical experience and the Catholic moral and social justice tradition.

In late 2016, the Deputy Minister requested an update regarding the coordination of care between Alberta Health Services and Covenant Health. A joint briefing note was developed which highlighted the care coordination, timely response, and respectful communication between our organizations. Practically speaking, while Catholic health organizations will neither provide nor condone medical assistance in dying in its facilities, it will nevertheless continue to respond to patients and residents who verbalize requests for same or who simply

want more information. Covenant Health personnel will stay engaged and in dialogue with the person in their care, all the while ensuring appropriate pain and symptom management is provided, including psychosocial, spiritual and emotional support. Further exploratory discussion may independently involve AHS's third party Care Coordination System which will assume total responsibility in arranging assessment of eligibility, and potentially, transfer for provision of medical assistance in dying elsewhere.

Ongoing education, media activity and advocacy at the local and national Catholic health care level continues. Given the unprecedented nature of this societal issue, Covenant Health has committed to review its policy earlier, within one year of implementation. This review process is currently underway.

## 2. *Electronic Monitoring and/or Recording in the Care Setting*

This draft policy addresses the increasing prevalence of electronic recording devices in the care setting—whether used with or without Covenant's knowledge and/or consultation with all the stakeholders involved. A previous mission discernment was initiated to ascertain a Covenant Health position regarding the increasing prevalence of electronic recording devices in the care setting. The discernment considered the associated legal, privacy, ethical and logistical concerns this raises regarding this technology.

The draft policy and supporting documents articulate clear principles and procedures that are intended to support caregivers. The draft policy recognizes how respect for the dignity of the person is paramount, addressing such elements as autonomy, privacy, the need for informed consent, and respect for professional courtesy in the therapeutic relationship. Extensive staff education is currently underway, in anticipation of the policy release this summer.

## 3. *Ethical Fundraising (Covenant Health Foundation)*

The long awaited draft policy (tabled for approval in June 2017) defines the principles that will inform and guide ethical fundraising practices of the Covenant Foundation. Given periodic questions from sites and programs in Covenant Health and Covenant Care regarding alignment of fundraising practices with Catholic social teaching and the *Health Ethics Guide*, the policy will undoubtedly serve as a practical resource document to draw on going forward.

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In addition, the following selection of compliance and business ethics related policies were recently reviewed and revised as per the automatic Covenant 3-year policy review cycle:

### 1. *Conflict of Interest III-15 (including Personnel Declaration Form)*

The purpose of this policy is to provide direction for disclosing and managing conflicts of interest, whether actual, potential or perceived.

2. *Relationships with Industry III-20*

The purpose of this policy is to provide direction and an ethical framework for managing relationships with industry to ensure integrity of professional and clinical decision-making.

3. *Health and Safety Policy II-130*

The Covenant Health Occupational Health and Safety Policy provides a framework for the development of a culture that promotes and encourages occupational health and safety, aims to mitigate and eliminate workplace hazards and risks, and has ZERO harm as its goal. In combination with the Covenant Health Occupational Health and Safety Program, this policy will provide guidance on developing strategies to meet requirements of the *Alberta Occupational Health and Safety Act, Regulation and Code*.

4. *Workplace Abuse and Harassment II-145*

The policy sets out processes for response when personnel are victims of abuse or harassment – including reporting, investigating, documentation and follow-up action. In addition, the policy raises awareness of proper codes of conduct for staff members when dealing with workplace abuse and harassment.

5. *Reporting/Investigating Legal Actions and Potential Legal Actions III-5*

This document provides guidance for ensuring timely and appropriate reporting and investigation of legal actions and potential legal actions that result from unanticipated injury or harm to patients and non-patients, or incidents that may result in harm to the assets or reputation of Covenant Health.

6. *Emergency/Disaster Management Response I-25*

This document provides guidance for understanding and developing a strategy to ensure Covenant Health is in compliance with Emergency Preparedness legislation and regulations, including business continuity planning.

7. *Accounts Receivable Management IV-45*

The policy provides guidance and clarity over the billing, monitoring, recording and treatment of outstanding balances relating to acute care patients, continuing care residents, and non-patient accounts receivables. This includes accounts that are adjusted for write off, collection, fee waiving and settlement.

#### 8. *Purchasing Card (P-Card) IV-35*

This document provides guidance for the authorized use of the Purchasing Card (P-Card) Program and outlines the requirements necessary for obtaining, using and managing the P-Card.

#### 9. *Travel, Hospitality and Working Session Expenses – Approval, Reimbursement and Disclosure IV-5*

This policy provides a framework of accountability and rules to guide the effective oversight of public resources in the reimbursement and payment of claimed travel, hospitality, working session, staff appreciation, and other expenses incurred and allowances, including public disclosure of information about expenses.

### **Corporate Guidelines**

#### *Medical Marijuana Guideline Document*

This guideline document was created in response to increasing requests for use of Medical Marijuana (MM) in Covenant Health facilities. The objective was to provide consistency, guidance and structure for staff and physicians receiving requests from patients and residents to use MM while they are in our care. The document aligns with current legislation, regulatory requirements, professional standards of practice, as well as Covenant Health policies and procedures.

In anticipation of new Federal legislation in 2018, this interim guideline document will likely evolve into a permanent policy document.

### **Educational Strategies**

#### 1. *Our Commitment to Ethical Integrity*

Presentations of the code of conduct are conducted routinely at new employee orientation in Edmonton, and are a key component in the information package for all new employees and with other site-based orientation sessions. Content from *Our Commitment to Ethical Integrity* has been incorporated into the Learning and Development web-based platform (CLiC), is translated into seven other languages, and is readily available on both our internet and intranet.

#### 2. *Public Interest Disclosure (Whistleblower Protection) Act Annual Report*

As per our obligations under Alberta legislation, Covenant Health's annual report detailing our disclosure activity has been submitted to the Office of the Public Interest Commissioner in April 2017 (now adjusted to a fiscal year cycle). A copy of the report can be found [here](#).

Moreover, Alberta's Public Interest Commission Annual Report commended Covenant Health and our commitment to building a healthy culture of disclosure. The public entity profile acknowledged the education sessions they provided to our board, senior team and front line staff last year to promote awareness of the legislation, which also helped reinforce our own internal policy and practices. See: <https://yourvoiceprotected.ca/wp-content/uploads/2014/03/PIC-2015-16-AR-Web.pdf> (pages 13-14).

Covenant Health's whistleblower hotline is tested regularly and any disclosures or general queries are acknowledged and acted on within the prescribed time frames, as stipulated under our policy and provincial legislation.

### 3. *Exceptional Situation Protocol*

Covenant Health was invited to present the newly deployed Exceptional Situation Protocol to the Health Quality Network in June 2017, detailing our experience to date in providing teams with a structured process to support decision-making and conflict resolution in exceptional situations.

Given the HQN's mandate to ensure knowledge sharing and capability transfer related to leading or best practices throughout the province, the educational opportunity provided additional profile regarding Covenant's Exceptional Situation Protocol and the importance of our Committee's work. Covenant Health is currently exploring the opportunity to submit the protocol to Accreditation Canada for consideration as a Leading Practice.

### 4. *Compliance and Business Ethics Course – Leadership Pathway Curriculum*

The Compliance and Business Ethics *e-Learning* CLiC module, which provides an overview of Covenant Health's compliance and business ethics program, is now being mapped on the new *Leadership Pathway* suite as an essential core curriculum for level 100 courses, with an expected launch in December, 2017. However, it is currently available as an optional course on level 300 courses for more advanced leaders. The module reviews key business activities, policies, and frameworks in which compliance is required to promote an ethical and just culture at Covenant Health.

## **Mission Discernments**

Seven significant mission discernments were conducted during the past year, demonstrating a growing capacity and desire for ethical reflection in addressing challenging, evolving, and mission-critical issues by different stakeholders, across all levels of the organization. The issues also raise questions from an organizational and business ethics perspective, especially as regards legal liability exposure, resource allocation, and alignment with legislation and the Catholic social and moral tradition.

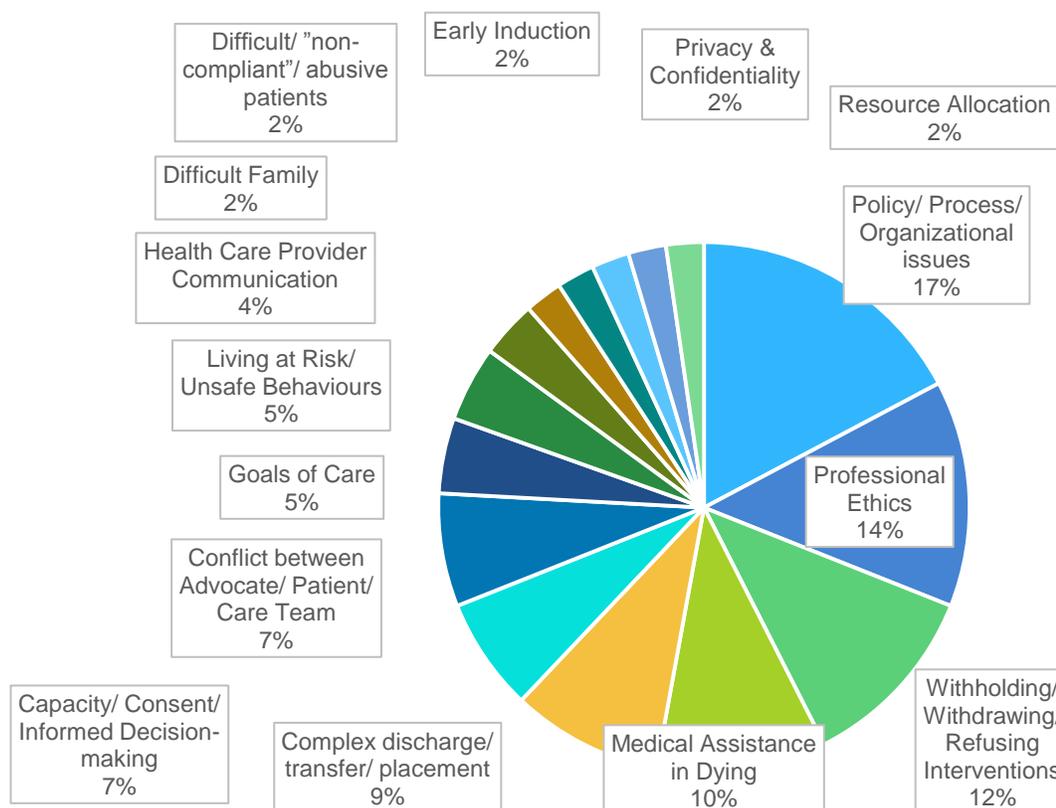
- Transparent and fair physician space planning
- Responding to requests for medical marijuana

- Bereavement leave requests and pregnancy loss
- Establishing a secure complex unit for sexually disinhibited adults
- Required capacity assessments for locked secured units
- Family purchase of additional direct care services (Covenant Care)
- Safe discharge of homeless patients

### Ethics Centre

The Ethics Centre continues to feature key resource documents on its Business Ethics page to help deepen our capacity for the ethical reflection and discernment, inclusive of both clinical and organizational ethics issues. The Ethics Centre Annual Report (now transitioning to a fiscal year reporting and hence reporting 15 month data) will be posted to our website shortly. An excerpt from the report highlights the thematic distribution of issues among the 87 total consults. While the Ethics Centre staff primarily address clinical ethics matters, they are nevertheless increasingly involved in compliance and business ethics matters (e.g.: policy, process and organizational issues; resource allocation, privacy).

### CONSULTATION REQUESTS BY THEME



## **Ethisphere – 2017 Ethics Quotient (EQ™) Benchmarking Report**

In the fall of 2016, Covenant Health again voluntarily participated in a comprehensive assessment of its ethical practices against other leading international organizations. For the second consecutive time in the past three years, Covenant Health was designated by the Ethisphere® Institute as a World's Most Ethical Company. The accompanying analytical scorecard and benchmarking report identified areas of strength and opportunity to continually improve the quality of our ethics performance.

Results of this were reported to the Board Audit and Finance Committee, the Risk Assessment Committee and the Senior Leadership Team. Action plans have been identified to drive quality improvement of our ethical practices, including our Compliance and Business Ethics program.

This annual, third-party review will complement other ethics performance metrics captured through Mission Formation, Accreditation Canada, and Engagement (Gallup) Surveys.

### *Conference Board of Canada*

Covenant Health was invited by the Conference Board of Canada, Corporate Ethics Management Council in February 2017, to provide an overview of our commitment to ethical integrity and corporate compliance. Recognizing Covenant Health as the sole Canadian honoree on the 2016 Ethisphere World's Most Ethical Companies™ list, the Conference Board of Canada wanted to hear about the experience of working to achieve the designation and of lessons-learned from the Ethisphere Institute's evaluation framework and methodology.

## **Mission Formation**

In 2016, a refreshed Mission Formation process was launched. The name of the exercise was changed from Mission Assessment to Mission Formation with a focus on the rich potential for mission reflection, engagement and formation. The self-assessment questions were refreshed to ensure relevant language that has the energy to deepen and propel the mission and capacity for values-based decision-making forward. Additionally, the questions are aligned with the refreshed Strategic Plan.

As it relates to compliance and business ethics, it is noteworthy that among the top three mission targets for Operations and Corporate Services was *leadership development* (tied with *exercise responsible stewardship*), and *surpassing industry standards/consistent with the Health Ethics Guide*, respectively. This would appear to suggest a desire among our leaders for ethics education and shared understanding of our tradition. It is also consistent with the preventative ethics philosophy at Covenant which seeks to identify and address issues well in advance, supporting personnel with education, policy, and consultation to mitigate the risk of moral compromise.

The annual Mission Formation process therefore serves to integrate the data gathering accountability component (to test for compliance) with the educational opportunity (to leverage shared ownership), helping to instill a mission driven culture and capacity for ethical and values-based decision-making. Having leaders formed in the Catholic moral and social justice tradition who own and can interpret the tradition in the context of real issues is arguable more effective strategically than simply requiring compliance without shared understanding or commitment.

### **Internal Audit**

Over the past year, twenty internal audit recommendations have been validated and closed by Internal Audit. Twenty recommendations will be completed over the coming year that will enhance the equipment and inventory management, patient concerns resolution, privacy and financial processes.

A project has commenced to implement an Internal Controls over Financial Reporting Framework for external financial reporting and will be completed by October 31, 2018, which will resolve two internal audit recommendations. As part of the current financial reporting process, Finance is performing internal controls to ensure that the financial information is reliable and accurate. The purpose of this project is to formally document the business processes and key controls that are relied upon to effectively mitigate risks.

The final internal audit recommendation will be completed by November 30, 2019 as it requires a phased implementation of a Workforce Plan by an occupational group.

### **Corporate Social Responsibility**

#### *Human Trafficking*

One unique area of opportunity Covenant Health is pursuing from a social justice perspective is adoption of preventative measures to reduce incidence of human trafficking and exploitation.

Screening tools for staff have been developed for use in the Emergency Departments when patients present in our care, to help us identify those who are vulnerable to exploitation. A new e-Learning CLiC module on human trafficking has been created to educate care team members regarding this egregious societal issue. The module defines human trafficking, presents red flags for identifying potential victims, outlines barriers to identification, and provides guidelines and resources for responding to and supporting at-risk persons in our care. A second module is planned with specific information on medical/nursing/social work assessment and intervention.

Our clinical ethicist team has conducted a series of Ethics Speaker sessions focusing on human trafficking and the health care context. Contemporary movie screenings that address the topic of human trafficking followed by panel discussions have also been held. These events have been open to staff and the public in order to increase community awareness and support.

While there are certainly specific clinical points of contact in which suspected victims of human trafficking may be observed, Covenant Health is nevertheless a large employer and challenged to examine its own hiring and contracting out practices to avoid inadvertently perpetuating unjust labour practices. For example, all new hires are required to produce original government-issued documents proving their identity and to demonstrate their authority to work, and a number of confidential resources are available to support staff coming forward and getting help.

Finally, Covenant Health has partnered with *ACT Alberta* - the Action Coalition on Human Trafficking Alberta to collaborate on identifying and responding to human trafficking in our community. Representatives from ACT have conducted information sessions for staff on Human Trafficking and the Health Care Response at various Edmonton sites, and representatives from Covenant Health have attended ACT facilitated workshops in the community on the topics of the legal framework, identifying and responding to human trafficking in Alberta.