



LONG TERM HEALTH CARE



**THE INTERNATIONAL COUNCIL OF NURSES (ICN) CONGRESS, 1-5 JULY 2023, MONTREAL,
CANADA:**

**THE *TRILLIUMWAY* (TW) CODE OF ETHICS
“EMPOWERING RESIDENT CARE PROVIDERS TO:
KNOW WHAT RIGHT LOOKS LIKE”**



LONG TERM HEALTH CARE

Aim:



The aim of this briefing is to introduce the concept of the *TRILLIUMway* (Tw) CODE OF ETHICS as a functional code of ethics, as a ‘prototype’ ethical culture within a LTC Home, and as a precursor to a LTCA-Health Care agency establishing itself as an industry leader in the field; in the process of “Fixing the Long-Term Care Act(2021)”-**Good ethics is good business-**

“A company’s commitment to ethics is the most effective means to preserve and protect the company’s reputation.” - Warren Buffet



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Strategic Aim

SCHEDULE 1

FIXING LONG-TERM CARE ACT, 2021

The Long-Term Care Homes Act, 2007 is repealed and replaced.



Part I sets out the fundamental principle that is to be applied in the interpretation of the legislation and provides for how terms in the legislation are to be interpreted.

Part II deals with the Provincial and Licensee Code of Ethics that codifies and protects the rights of residents of long-term care homes and the care and services they are entitled to. This includes a requirement that every long-term care home have a Provincially aligned Code of Ethics. The plan of care that must be developed for every resident is provided for. Licensees must ensure that certain programs and services are provided. New rights that are provided for within the requisite Codes of Ethics include the right of a resident to have their lifestyle and choices respected, and right to be provided with care and services based on a palliative care philosophy. Targets are set for the hours of direct care to be provided by personal support workers, nurses, and allied health care professionals.

Part III deals with quality. In accordance with the Provincial LTC Code of Ethics, every licensee of a long-term care home is required to implement a continuous quality improvement initiative, and the Minister is authorized to establish a Long-Term Care Quality Centre.

Part V deals with the Licensee Ethics Committee, Residents' Council and Family Council of a long-term care home. Every home must have an Ethics Committee, and Residents' Council and may have a Family Council. The powers of these councils, such as assisting residents and advising licensees, are provided for in accordance with Provincial LTC Code of Ethics.

Suggested revisions (red) to the LTCA will incorporate a Provincially mandated Code of Ethics (Annex A), which includes the requirement for a Ministry Office of Values and Ethics (Ethics Officer), Licensee Ethics Officers, and customized Licensee Codes of Ethics in a hierarchical chain of compliance and accountability.



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Ripped from the headlines:

“We need an ethical compass for fixing long-term care during the COVID-19 crisis” “We have been “sleepwalking for decades” in not addressing problems,”...” “Without clear ethical standards for long-term care, this won’t be the last tragedy or crisis.” Gregory Marchildon, Romanow Commission



“As many as 82 per cent of all COVID-19 deaths in Canada have been connected to long-term care facilities.”

In modern business parlance and in the words of corporate compliance pundit Michael Volkov et al. - It's the Culture, Stupid- vis-à-vis enlightened CEOs transform their businesses into Learning Organizations by recognizing that the nature of bureaucracies, as with nature itself, abhors a vacuum. Every one of our 627 licenced venues presently functions within a 'default' culture instead of a designed ethical culture- cultures by default wreak organizations.

By definition, a genuine *Learning Organization* is skilled at creating, acquiring, and transferring knowledge, and at transforming itself to reflect new knowledge and insights. This definition begins with a simple truth: new ideas are essential if learning is to take place. The profound sadness of the COVID tragedy now provides us with just such a watershed and transformational moment.



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Why an Ethical Framework?



- ❑ Consideration of ethical issues is an essential component of providing care within the LTC staff- resident relationship. Administrators, Directors of Care, Nurses, and PSWs encounter ethical situations, conflicted values, uncertainty of action, and moral distress in their everyday practice.
- ❑ Continuous changes in the health care system, in areas such as MAID, technology, and in social values, contribute to these ethical situations and/or dilemmas.
- ❑ Understanding and communicating a common ethos (values and beliefs) provides LTC team members with the requisite ethical grounding to mitigate ethical conflicts, to work through them when they do occur, and to ensure that the remediation strategy aligns with the *TRILLIUMway* (Tw) CODE OF ETHICS and the Residential corporate policy and expectations of service.



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According to Dr. Tracy A. Pearson, J.D., expert in ethics, leadership, and law, an ethical culture:



“clearly and transparently communicates its policies and processes in a way that all members of the organization can understand. It is a learning organization; therefore it seeks continuous feedback to improve. . . . Ethical workplace cultures do not tolerate conduct that has a negative effect on human dignity, seeing each employee as being valuable to the organization’s mission. . . Ethical workplace cultures also follow all laws, hold themselves accountable, and do not engage in deceptive strategies to shift blame. “



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Incorporating ethics into your LTC corporate culture can take a lot of time and effort. So why even bother?

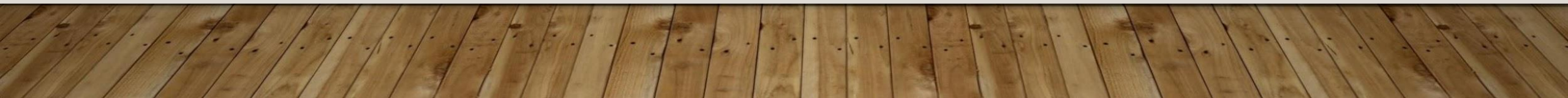


First, an ethical culture protects your health services team. If a co-worker harasses or discriminates against them, you will take swift action to keep them safe and reprimand the bad actor. They won't feel burnt out or overly stressed by toxic competition. They'll know that if they submit a whistleblower report of suspicious activity or misconduct, they won't be retaliated against.

In the same vein, health services team members that feel safe and listened to are generally happier and more productive. They'll be more relaxed, allowing their creative juices to flow. Your LTC home might just get its next big idea when employees don't feel trapped in a toxic work environment.

Next, you'll have a better reputation as a health care provider. You won't have to field as many Critical Incident (CI) reports when your staff are committed to behaving ethically, you will have earned your Accreditation Canada 'Exemplary' status as an industry leader in the field based on merit, and staff retention goes up and attrition goes down as your reputation as an ethical employer of choice attracts the best and the brightest.

Finally, an ethics culture protects your company's assets. Teaching employees why fraud, theft, and lack of integrity is wrong and how it hurts the organization will likely reduce these types of misconduct. In addition, respect begets respect, loyalty begets loyalty, and the inherent transformational leadership found in ethical cultures tends to build role models from within. Investing in an ethical culture will ethically empower, motivate, inspire, challenge, and equip members with skills that directly benefit our residents in all aspects of their lives.





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ECI's 2021 Global Business Ethics Survey Report reveals that 85 per cent of employees who worked at an organization with a strong ethical culture reported positive outcomes, including:

- Less pressure to compromise ethics standards
- Less observed misconduct
- More reporting of misconduct observed
- Less retaliation for reporting



The following elements form the core of The *TRILLIUM*way (Tw) CODE OF ETHICS and compliance programme:

- Written policies, procedures, and standards of conduct; • Oversight of compliance efforts and a designated ethics officer;
- Effective training for employees; • Procedures to ensure unethical persons are not employed; • Consistent disciplinary enforcement;
- Internal monitoring and Ethics auditing; • Multiple options regarding reporting compliance concerns; and
- Prompt response to ethical issues and appropriate corrective action via the *Tw* Ethics Committee structure.

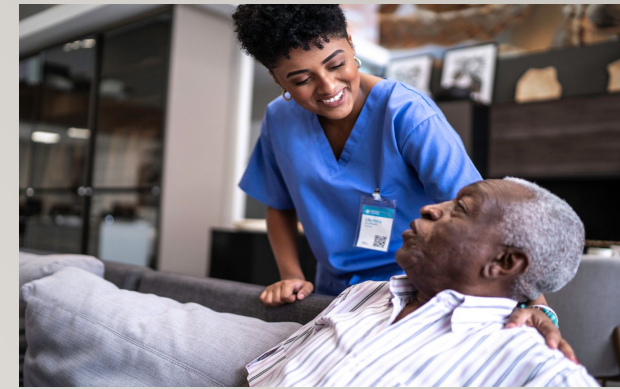
In summary, a culture reflecting a healthy ethical climate that is free from reprisal reinforces ethical behaviour and discourages unethical behaviour, based on our organization's established policies and values.



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Getting the C-Suite On Board

***Ethical Leadership is transformational leadership**



According to one study, employees want to see honesty (90 per cent), fairness (89 per cent), and trust (86 per cent) from their managers. If they don't see those ethical behaviors, they won't feel as engaged or positive at work.

The *TRILLIUMway* (Tw) CODE OF ETHICS will ensure 'Tone at the Top'; leadership at all levels will not only need to believe in and commit to "living a healthy ethical climate that is free from reprisal" but must also demonstrate, by personal example, this commitment to lower-level care-givers. For example, they will:

- Be transparent about the successes and failures of the company and themselves;
- Model ethical behavior, especially when working with lower-level care-givers;
- Volunteer to participate in ethics initiatives;
- Demonstrate a good attitude toward new ethical initiatives and "talk them up" to colleagues; and
- Accept that an ethical culture must hold "leadership accountable in direct proportion to their rank"



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Ethics and Compliance Officer (ECO)

Essential Functions:

(The ethics and compliance program needs to be run by a well-qualified individual, with experience in the field, and a deep knowledge of the organization.)



- Serves as the CEO's executive advisor, subject matter expert (SME), and delegated authority on corporate ethics;
- Designs, promulgates, and instructs on all facets of corporate ethics training in the *TRILLIUMway* (Tw) CODE OF ETHICS;
- Qualifies all LTC-level Ethics Officers (28) so as to support a train-the-trainer (trickle-down) Corporate Ethics Community;
- Serves as the primary corporate resource in the mitigation of all LTC ethical situations and perceived dilemmas;
- Ensures corporate ethics policies are accurate, current, and in compliance with LTCA provisions;
- Conducts corporate Ethical Risk Assessments and Ethics Audits; Submits quarterly reports to the CEO/Board of Directors;
- Customizes and oversees the corporate Whistleblower protection network and confidential hotline protocols;
- Manages compliance hotline process, which includes: investigation, follow up, and corrective action if necessary. and
- Carries out all internal investigations; Chairs the LTC Ethics Committees as the primary resource for all ethics referrals.



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Primary Features of the *TRILLIUMway* (Tw) CODE OF ETHICS



1. Clear and unambiguous statement of leadership intent: “The Code of Ethics is our company’s written commitment to promoting ethical behavior and the highest quality care for our residents. It sets forth the standards for ethical, legal, and professional conduct that is expected, enabling us to perform our responsibilities with the utmost integrity;”
2. It identifies: each LTC venue’s common mission and ethos (core values and beliefs), the roles and responsibilities of the Corporate Ethics and Compliance Officer (ECO), the compelling Business Case, and the unremitting commitment to *whistleblower* protection in the creation of a healthy ethical climate free from reprisal;
3. It consists of a comprehensive set of applicable and expected corporate policies and procedures that ensure the efficient function and maintenance of corporate reputation and integrity; and
4. It includes a (signed)- Ethics Code and Personal Compliance Covenant/Agreement- which binds all members of the LTC team: *“I hereby certify that I have received a copy of the company’s Code of Ethics. I further certify that I have read the Code, understand its contents, and will abide by its obligations. I understand that adherence to the Code of Ethics is a requirement of my employment.”*



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Required Employee Ethics Training:

**The Ethics and Compliance Officer(ECO)
designs and delivers the *TRILLIUM*way (Tw)
CODE OF ETHICS Training**



“It is amazing how many organizations simply hand people the ethics code, they sign off on it once a year and that’s the end of it.” People have to know what’s in it for them, they have to know how to apply it, they have to know how to make it a ‘living’ document that will help them make ethical decisions.”

Live, in-person training sessions keep employees engaged and actually learning the information. “It isn’t training until people know how to use what you’re telling them”

Ethics training will empower care-givers “to think about ethical aspects of everyday work life.” To accomplish this, we cite case studies from our organization and allow trainees to question the ethical nature of the conduct and the problem, and determine if the conduct was ethical and what the person should or should not have done.

The ECO will qualify the individual LTC-level Ethics Officers in a train-the-trainer capacity.

Supplementing annual training modules with short, focused, informal meetings keeps ethics top of mind for care-givers. This approach also helps them confront any current issues in your workplace, jogging their memory of specific guidance that might have gotten lost in a sea of information from their formal training.



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The “Corporate” Aim



1. To institute a “Corporate” Health Care *TRILLIUMway* (Tw) CODE OF ETHICS regime that aligns with a recommended provincially mandated Code of Ethics amendment to the LTCA; ranking the Corporation as an industry leader in the field;
2. In lieu of a pending provincially mandated Code of Ethics, the “Corporate” Health Care agency would proactively incorporate all their LTC homes into a structured ethics community that functions in accordance with a customized The *TRILLIUMway* (Tw) CODE OF ETHICS tailored to meet the unique requirements of each venue;
3. As a precursor, Corporate Health Care would contract a corporate ethics and compliance subject matter expert (SME) to design a state-of-the-art (Accreditation Canada- Exemplary) LTC Ethics Programme: policy, procedures, publications, training, whistleblower protection, and communications strategy; and
4. Said “Corporate” LTC agency would serve as the testbed/prototype for the introduction of the *TRILLIUMway* (Tw) CODE OF ETHICS as a regional, provincial, or national LTC programme.



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The full text of the **THE *TRILLIUMWAY* (TW) CODE OF ETHICS** is available on request:

