

Contractors and Working with Vulnerable Populations

In order to foster a safe and healthy environment for its clients, healthcare entities need to develop a culture that demonstrates a commitment to protecting all those who use its services from any instances of abuse.

Abuse can manifest across any settings and involve unwelcomed actions or words that are known or should be known to have an impact on one's physical, mental, and emotional health. It includes actions or words that intimidate, isolate, or discriminate an individual or groups of individuals. Abuse may involve the following:

- Engaging in physical assault or forceful contact
- Exhibiting bullying or intimidating actions
- Making remarks, jokes, or innuendos that demean, ridicule, intimidate, or offend

As they may utilize third parties to provide services, healthcare entities must also consider their contractors and those they serve when taking steps to safeguard its clients. Healthcare entities are accountable for ensuring that any contractor it retains must be able to demonstrate that it has taken reasonable actions to establish a system aimed to prevent or mitigate any instances of abuse especially when working with vulnerable populations.

A vulnerable person is defined as a person who, because of their age, a disability, or other circumstances, is in a position of dependence on others or at greater risk than the general population of being harmed by person(s) in a position of authority or trust to them.

The following guidance highlights key risk controls and measures that healthcare entities may opt to impose and require from contractors to have in place to prevent or minimize the likelihood or risk of abuse occurring. It should not be seen as an exhaustive list and should be used in conjunction with internal policies and procedures, as well as in compliance with local laws and regulations.

Code of Conduct

Reviewing a contractor's code of conduct can help a healthcare entity confirm that the contractor shares its commitment to protecting the safety, well-being, and rights of those they serve. The code of conduct should explain why providing safe environments for these individuals is so important to the organization, and outline policies and procedures in place directly related to doing so.

- Verify that the contractor's organization has an established code of conduct that affirms a zero-tolerance approach to workplace abuse that includes the following components:
 - Articulation of commitment to protecting clients and employees from abuse
 - Outlines which individuals inside and outside the organization are covered by the code
 - Establishment of how the code is enforced
 - Consideration of abuse from all sources
 - Definitions and examples of unacceptable behavior
 - Roles and responsibilities of all parties
 - Directions for filing a report, including mechanisms for reporting and required information
 - Procedures for investigating claims of workplace abuse
 - Expectations for disciplinary action on substantiated claims

- Record keeping protocols
- Expectations of confidentiality
- Contact information
- Require the contractor provide you with copies of the code of conduct, as well as all relevant organizational policies and procedures addressing workplace abuse for review.

Screening

Ensuring that contractors strive to protect vulnerable individuals from harm and abuse starts with hiring people who already value those principles. A contractor's screening policies may provide some insight into whether its employees share the organization's commitment.

- Require the contractor provide you with a copy of its organizational chart that includes the following information for each individual that will be delivering services to/on behalf of the healthcare entity:
 - Name
 - Title
 - Job responsibilities
 - Professional biography
- Confirm the contractor screens all potential staff and management through a highly rigorous approach. Their screening mechanisms should include but is not limited to the following controls:
 - Job description declaration
 - Application self-disclosure
 - Reference checks
 - Criminal record checks
 - Vulnerable sector checks,
- Verify the contractor keeps complete records of the screening documents and ensures they are kept current, requesting new checks on a regular basis.

The healthcare entity's agreement with the contractor may grant the healthcare entity the ability to select which of the contractor's employees perform the services outlined therein. In those cases, consider imposing the following stipulations:

- The contractor shall provide information for each individual that will be delivering services to/on behalf of the healthcare entity by submitting their employee portfolios for review. Each employee portfolio shall contain the following:
 - Employee resume
 - Copy of valid license(s), if required
 - Copy of first aid certification(s), if required
 - Copies of criminal or vulnerable sector checks, if required
 - Copies of other certificates relevant to the position
- The contractor shall ensure that all candidates are and remain licensed during the time they are delivering services.
- The healthcare entity shall reserve the right to accept or reject any candidate presented by the contractor.

Training

Maintaining a culture of accountability requires educating all contracted employees that will be delivering services to/on behalf of the healthcare entity about the importance of safeguarding vulnerable individuals.

- The contractor shall attend a general orientation provided by the healthcare entity, which will involve a review of relevant policies and procedures
- The contractor shall communicate and provide to all staff the general orientation materials provided by the healthcare entity, including all relevant policies and procedures
- The contractor shall provide a list of training given to all staff and management, including the topics covered, length of training, and copies of the training materials
- The contractor shall provide updates of any changes to training program provided to all staff and management

Investigation

Part of developing a workplace culture that demonstrates a commitment to protecting all those who use its services from abuse includes putting place measures to prevent abuse, but also measures that mitigates harm and damages should instances of abuse occur.

- The contractor shall outline their approach in investigating any alleged or actual abuse, including the actions and timelines, as well as the approach in sharing the findings of the investigation
- The contractor shall initiate an investigation of any alleged or actual abuse; the investigation can be conducted independently or in collaboration with the healthcare entity
- The contractor shall share the findings of their investigation with the healthcare entity, which may include any systemic recommendations

Summary

To create a culture of accountability, healthcare entities must establish appropriate measures to safeguard vulnerable populations from any instances of abuse. This accountability must extend to any contractors that deliver services to/on behalf of the healthcare entity. By thoroughly vetting their contractors' codes of conduct, policies and procedures, and hiring practices in regards to the protection of vulnerable populations, healthcare entities can help minimize the likelihood abuse occurring during the delivery of their services.