

	<b>CONDUCT UNBECOMING POLICY</b>
	Date Effective: June 4, 2020
	Revised: June 2024
	Next Review Due: June 2027

### *Background*

Under previous legislation enforced in Prince Edward Island, “professional misconduct” and “conduct unbecoming” were separate concepts. This meant that a member could be charged with both professional misconduct and conduct unbecoming in relation to the same set of facts. Now, under the Regulated Health Professions Act (RHPA), subsection 57(1)(a.1) states that “professional misconduct” includes conduct which “is harmful to the best interests of a client or other person, or to the integrity of the profession.” Therefore, “conduct unbecoming” is merely an example of professional misconduct, rather than a separate discipline offence. This will avoid the confusion which might have existed previously with respect to whether a charge of, for instance, stealing, was professional misconduct, conduct unbecoming, or both. Now, under section 57, it will be professional misconduct.

“Conduct” is defined in section 35 of the RHPA to include an act and an omission. This is important because a nurse or midwife may be disciplined for failing to act when some action is required, and some members might not realize this.

### *Purpose*

The purpose of this policy is to provide understanding with respect to the type of conduct which might be harmful to the best interests of a client or other person, or to the integrity of the profession. This description is comparable to the concept of conduct unbecoming a professional and should be used to reduce or even eliminate disgraceful, dishonorable, or unprofessional conduct from the profession of nursing.

It must be said that this policy is not intended to determine individual complaints of professional misconduct, as that is the responsibility of investigation and hearing committees of the College. The RHPA states expressly that if conduct is harmful to the best interests of someone or harmful to the integrity of the nursing or midwifery professions, it is professional misconduct. However, this policy will provide some guidance to the committees in performing their work.

## 1.0 *Policy*

- 1.1 A member may be disciplined for “conduct unbecoming” that occurs at the workplace during working hours, at the workplace outside of working hours, or away from the workplace at any time. It may involve nursing or midwifery activities or other activities, if they are done by a nurse or midwife. In other words, conduct unbecoming can occur in an individual’s professional or private life.
- 1.2 “Conduct unbecoming”, as that phrase is described above, involves any conduct or action or behaviour that is disrespectful, demeaning, disgraceful, dishonourable, disparaging, likely to cause embarrassment, intimidating, threatening, harassing, abusive, or inappropriately aggressive. This list is not intended to be exhaustive. Other conduct may be unbecoming, depending on the circumstances of the case.
- 1.3 Any conduct that brings or is likely to bring discredit or damage to the profession of nursing and midwifery or to the overall reputation of nurses and midwives as members of a profession is conduct unbecoming. Any conduct by a nurse or midwife which impairs or is likely to impair trust that people have in nurses or midwives is similarly, conduct unbecoming.
- 1.4 Activities of a certain nature create a presumption of conduct unbecoming, which may be rebutted, depending on the circumstances of the case. For example, stealing, cheating, lying, selling or trafficking in illegal drugs or substances, any fraudulent activity, substance abuse, including alcohol, should be examined closely to decide whether there are reasons that these activities do not constitute conduct unbecoming.
- 1.5 Improper use of social media may be conduct unbecoming, depending on the circumstances of any individual case, including:
  - 1.5.1 posting comments that provide inaccurate information on treatments or medications;
  - 1.5.2 publicly posting disparaging comments about colleagues;
  - 1.5.3 publicly posting disparaging comments about an employer;
  - 1.5.4 publicly posting disparaging comments about nurses, midwives, facilities, or care provision in other care settings; and
  - 1.5.5 posting pictures or photographs of clients, clients’ families, colleagues or any service provision site/office.