

	<b>CONDUCT UNBECOMING POLICY</b>
	Date Effective: June 4, 2020
	Revised:
	Next Review Due: June 2023

## *Background*

In the past, “conduct unbecoming” has been included in legislation governing nurses’ practice as a type of discipline offence, and today, it is included in nursing legislation in some jurisdictions outside of Prince Edward Island. Under the present-day *Regulated Health Professions Act* (“RHPA”), however, “conduct unbecoming” is not expressly stated to be conduct which is prohibited.

The concept of conduct unbecoming seems to be captured in a recent amendment to the 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.”

“Conduct” is defined in section 35 of the RHPA to include an act and an omission. This is important because a nurse 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 profession, 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 activities or other activities, if they are done by a nurse. In other words, conduct unbecoming can occur in a nurse’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 or to the overall reputation of nurses as members of a profession is conduct unbecoming. Any conduct by a nurse which impairs or is likely to impair trust that people have in nurses 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, 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.

- 1.6 It may be confusing to realize that under previous legislation enforced in Prince Edward Island, “professional misconduct” and “conduct unbecoming” were separate concepts. This meant that a nurse could be charged with both professional misconduct and conduct unbecoming in relation to the same set of facts. Now, under the RHPA, the description contained in subsection 57(1)(a.1) 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.