



AL0500 - LEGAL/COURT DOCUMENTS AND LEGAL PROCEEDINGS

1.0 PURPOSE

To ensure employees of Interior Health (IH) are protected from potential legal action when acting as a witness for legal documents.

To provide direction to IH employees served with legal documents or involved in legal proceedings.

2.0 DEFINITIONS

Clients	includes patients, residents and persons in care in IH facilities and programs.
Client Legal Documents	includes but is not limited to Powers of Attorney, Representation Agreements, Advance Directives, wills, consumer and real estate related contracts. NOTE: does not include IH administrative documents such as consent forms, comfort fund withdrawals etc.
Court Documents	includes Writs, Notices of Motion, Court Orders, Subpoenas, Warrants or any other document originating from the Courts.
Statutory Duties	are obligations or requirements imposed on people or classes of people in legislation. They are characterized by words such as “must” and “shall” where there is an obligation but no discretion, and words such as “may” which allows a measure of discretion and judgment.

3.0 POLICY

3.1 Witnessing Client Legal Documents

The purpose of witnessing a Client Legal Document is purely to provide evidence that the signature on the document is that of the person they purport to be. As such, any person witnessing a document must ensure they witness the person actually signing it.

IH employees will not sign as a witness on Client Legal Documents. The responsibility for providing a witness to these documents rests with the individual who requires the witness.

3.2 Service of Court Documents

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Policy Steward: Leader, Risk Management	
Date Approved: December 2011	Date(s) Reviewed-r/Revised-R: Dec 2015 (R); Aug 2017 (R); Nov 2022 (r)



Law enforcement officers or private agencies attempting to serve IH or IH staff members with Court Documents (in person or by mail) should be directed to their administrative supervisor or the IH Director.

3.3 Witnesses in Court/Administrative Law Proceedings

Staff members are occasionally asked to appear as witnesses or provide a statement because of their employment at IH. Staff members must not sign affidavits or give statements relating to facts that have come to their knowledge in the course of their duties for use in court or administrative law proceedings unless the affidavit/statement prepared by a lawyer acting for IH in that proceeding. Staff members are to notify IH Risk Management and Supervisor of any requests to appear as a witness or provide a statement.

Some staff roles require the execution of affidavits in the course of their job duties due to the statutory nature of their role. Examples are Medical Health Officers, Licensing Officers, Tobacco Enforcement Officers and some Health Protection staff. These staff is exempt from the requirement of IH Risk Management approval but should consider discussing the execution of affidavits with their Administrative Supervisor on a case by case basis.

Staff members are obliged to cooperate with lawyers defending IH's interest during legal proceedings. A written opinion prepared on behalf of IH, by a legal counsel, is to be treated as subject to solicitor/client privilege and is, therefore, confidential. Such an opinion is not to be released to persons outside of IH without prior written approval by an executive management person.

NOTE: Responding to requests from the police for client information during a police investigation is covered in IH Policy AL1500 Police Access to Clients and Client Information.

4.0 REFERENCES

HCPP Risk Note – Witnessing Legal Documents, April 2002

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