

AL0500 – LEGAL/COURT DOCUMENTS AND LEGAL PROCEEDINGS

Interior Health would like to recognize and acknowledge the traditional, ancestral, and unceded territories of the Däkelh Dené, Ktunaxa, Nlaka'pamux, Secwépemc, St'át'imc, Syilx, and Tsilhqot'in Nations, where we live, learn, collaborate and work together.

Interior Health recognizes that diversity in the workplace shapes values, attitudes, expectations, perception of self and others and in turn impacts behaviors in the workplace. The dimensions of a diverse workplace includes the protected characteristics under the human rights code of: race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, criminal or summary conviction unrelated to employment.

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

TERM	DEFINITION
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 and Patient Request Record forms (BC Ministry of Health form #1632) for Medical Assistance in Dying.
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.

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Policy Steward: Leader, Risk Management		
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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.

Employees and volunteers are allowed, per the law governing medical assistance in dying (MAiD), to sign the MAiD request form as an independent witness if they satisfy the conditions contained in the BC Ministry of Health form #1632.

3.2 Service of Court Documents

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,

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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 [AF0500 Police Access to Clients and Client Information](#).

4.0 REFERENCES

1. HCPP Risk Note – Witnessing Legal Documents, April 2002
2. IH Policy AH1300 Medical Assistance in Dying (MAiD)

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