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Owner:	Kristen Sanchez: Coord Compliance
Area:	Compliance
References:	Policy/Procedure
Applicability:	Edward Elmhurst Health System (All Locations)

No Retaliation Policy, CMPR_G004

Policies and procedures are guidelines and are not a substitute for the exercise of individual judgment.

Purpose / Policy Statement:

In many instances, EEH must rely on individual employees to report to the appropriate EEH department cases where it appears that a member or members of the EEH community are not complying with applicable law or policy. A major deterrent to such reporting is the fear that the person or persons against whom the report is made will retaliate against the person making the report. The purpose of this policy is to clearly articulate that EEH prohibits retaliation against those who make good faith reports of possible non-compliance. All EEH employees, including supervisors and managers, have a responsibility to create a work environment where concerns can be raised, openly discussed and reported without fear of retaliation.

Definitions:

Retaliation: Any reprisal or adverse action taken against an employee as a result of his or her utilizing any of EEH's internal reporting or grievance procedures, reporting to external authorities, or otherwise reasonably and in good faith exercising any of his or her rights as an employee.

Employees who report issues in good faith will not be retaliated against; examples of good faith reporting include but are not limited to:

1. Providing information or supporting an internal audit or other investigation,
2. Filing of a grievance, or
3. Accessing Human Resources, Compliance, Risk Management or any member of EEH management in connection with a patient safety concern, unusual occurrence or other reasonable concerns about EEH's policies, practices or compliance with legal obligations.

Also, an employee may not be retaliated against for refusing to participate in an activity that violates state or federal law, or exercising a right under a statute (i.e.: workers compensation claim).

Procedure:

- A. Employees are accountable for:
 1. Understanding behavior expectations as documented in the EEH No Retaliation policy, the

Standards of Conduct document and annual compliance or other training assignments.

2. Discussing or reporting any witnessed or perceived retaliation concerns with management, Human Resources or via the Corporate Compliance Hotline where reporters can remain anonymous.

B. Supervisor/Management is accountable for:

1. Understanding behavior expectations documented in EEH No Retaliation policy and the Standards of Conduct.
2. Supporting the policy in discussions with employees and through other actions.
3. Fully participating and embracing the compliance training opportunities.
4. Creating a work environment where retaliation is not tolerated.
5. Advising Human Resources immediately of any allegations of retaliation raised by an employee and responding appropriately to employee concerns regarding witnessed or perceived retaliation.
6. Cooperating fully in the investigation of any retaliation claims.
7. After discussing the situation with Human Resources, taking prompt and appropriate action where concerns of retaliation are supported through the investigation process.

C. Human Resources Department is accountable for:

1. Communicating the EEH No Retaliation policy to all employees and supporting the training of supervisors and managers.
2. Being available and sensitive to employee concerns regarding witnessed or perceived retaliation, and providing guidance and counseling to employees and managers regarding the handling of such claims.
3. Providing prompt direction and guidance to support the investigation of retaliation claims; working closely with management, the Corporate Compliance Department and Legal Counsel to determine appropriate actions to take if retaliation is supported after investigation.

D. Reporting Process

1. An employee with a concern regarding retaliatory conduct should promptly report any claims of retaliation to his or her supervisor or through the appropriate management chain of command.
2. If the supervisor or management in the chain of command is unavailable or the employee does not feel comfortable reporting to such individual, the employee should immediately contact Human Resources. Human Resources is available to provide guidance.
3. Finally, the employee may call the EEH Corporate Compliance Hotline to anonymously report any concerns about retaliation. The number for the Hotline can be found in the directory or on the Corporate Compliance Department webpage.

E. Compliance

1. Allegations of retaliation will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation, up to and including, termination of employment of the individual responsible for the retaliation.
2. Any good faith report, concern, or complaint of retaliation is protected by this policy, even if the report, concern, or complaint is, after investigation, not substantiated. Any allegations that prove not to be substantiated and have been made maliciously or with knowledge that they were false by the reporter will be treated as a serious disciplinary offense. In the event the investigation determines

that a false claim of retaliation was made, the claimant who made the false claim may be subject to progressive discipline or other appropriate action, up to and including termination of employment.

F. Examples of Retaliation

1. Intimidation
2. Adverse actions with respect to the reporter's work assignments, salary, vacation, and other terms of employment;
3. Termination of employment;
4. Adverse actions against a relative of the reporter who is an EEH employee; and
5. Threats of any of the above.

NOTE: the above lists are not intended to be all inclusive

EXHIBITS:
CROSS REFERENCE(S)

Standards of Conduct
HR_001 Anti-Harassment
HR_011 Corrective Action: Progressive Discipline

Current Policy Replaces:

Edward Hospital GENL_059 No Retaliation

All revision dates:

12/2019, 11/2016, 11/2016

Attachments

No Attachments

Applicability

Ambulatory, Edward Elmhurst Health System, Edward Hospital, Elmhurst Hospital, Linden Oaks Hospital, Plainfield Lab