

Lesotho Boston Health Alliance



LESOTHO MEDICAL INTERNSHIP CODE OF CONDUCT

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MINISTRY OF HEALTH



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1. Introduction

This Code of Conduct (hereinafter referred to as “the Code”) is made in the conviction that Medical Internship conducted by the Lesotho Boston Health Alliance Internship Program (hereinafter referred to as “Internship or Training Provider”) places the Medical Intern under a moral obligation to work conscientiously.

The sole responsibility of the Internship provider is to provide the medical intern with a fertile environment and facilities to learn. The internship provider will ensure that tools and resources required by the medical intern to acquire skills and practical knowledge are available to prepare the intern for final competency certification.

This Code shall be viewed primarily as guidance on the standards of behaviour required of Interns in their relationships and dealings with the training provider, colleagues at the training rotation sites and the general public.

The Code further takes cognisance of the fact that the medical internship is offered in a sector that provides essential services that should not be disrupted by acts of industrial action or refusal to provide services. The Code therefore provides a way in which any dispute that may arise during the internship may be resolved in a manner that will ensure a speedy and cost-effective resolution of the dispute without disrupting the provision of services.

2. Promulgation of Lesotho Internship Program Code of Conduct for Interns

Aim of a Code of Conduct

The aim of the Code of Conduct is to lay down the common ground of behaviour, and inculcate ideals and values that will help interns to emerge as responsible professionals. This Code of Conduct is meant to lay down both the general as well as specific principles of behaviour of interns, to provide for, without bias or prejudice, consequences arising out of their failure to comply with the code.

3. Professional Conduct

An Intern shall conduct himself/herself in the following professional manner: -

- 3.1** Demonstrate sensitivity and responsiveness to patients, relatives and colleagues at all times
- 3.2** Adhere to principles of confidentiality, scientific/academic integrity and informed consent
- 3.3** Recognise and identify deficiencies in peer performance and deliver constructive evaluation and criticism.

3.4 At all times have absolute and undivided loyalty to his/her authorities and the Kingdom of Lesotho;

3.5 Support and maintain the Lesotho Medical Internship Program and Government of Lesotho according to the rules and regulations provided under this program;

3.6 Serve the people of Lesotho with respect, integrity and promote their welfare and lawful interests

3.7 Strive to excel in all endeavours and be an example to others;

3.8 Perform all duties and exercise all powers that have been assigned by authorities, diligently, impartially and to the best of his or her ability;

3.9 Show courtesy and decency in communication about any person or matter that is under consideration or forms the subject of comment or response;

3.10 Refrain from use of insulting or intimidating words to the authorities, fellow public officers or members of the public or from showing disrespect to any of them;

3.11 Wear official identity tags at all times during working hours;

3.12 When on official duty, dress and behave in a manner that enhances the reputation of self, the Lesotho Medical Internship Program and Government of Lesotho at all rotation sites;

4. Grievance procedure

4.1 An Intern wishing to discuss issues of concern in the different discipline of rotation must ensure that they have exhausted all local remedies at the rotation site before they can elevate the matter to external structures. The procedure to follow shall be to lodge the grievance with the -

4.1.1 The immediate supervising officer who shall immediately or within a reasonable time address it and give feedback to the intern. This will be regarded as the informal procedure of addressing the grievance. The immediate supervisor must not unduly and unreasonably delay to address the grievance to the extent that it festers into a bigger grievance.

4.1.2 If the immediate supervisor is unable to resolve the grievance or if it relates to the immediate supervisor, the grievance shall be elevated to the Head of the Department who shall cause for the grievance to be addressed.

4.1.3 The District Hospital Superintendent/Clinical Manager shall be the final appellate structure in the event that the grievance remains unresolved.

4.1.4 If the grievance still remains unresolved even after being elevated to the District Hospital Superintendent, the matter may be reported to the Internship Representatives Committee for further resolution

4.2 The Internship Coordinator may introduce forms which may be used to lodge grievances and other disputes.

5. Disciplinary Policy

All Interns are subject to this Code and should be aware that breaches of this Code may result in disciplinary actions in accordance with this Code. A breach of the code will therefore undergo investigation and appropriate disciplinary action where necessary.

The acts which will be construed to mean behavioural misconduct are too exhaustive to list. Any activity that is not in the spirit of “good order” or unacceptable behaviour in the workplace, is behavioural misconduct, and includes but is not limited to the following: -

5.1 Dishonesty

All forms of dishonesty including (but not limited to) the following, are punishable by discontinuation of internship.

5.1.1 Any intern who knowingly makes any false, misleading or inaccurate statement, either orally or in any official document or book, or signs any such document, or destroys any document or book whether electronically stored or otherwise or alters or erases any entry with intent to deceive;

5.1.2 Any intern who wilfully supplies incorrect or misleading information in connection with his or her personal details;

5.1.3 Any intern who knowingly and wilfully supplies incorrect or misleading information about a client/patient or relating to the rotation site or the Ministry of Health.

5.1.4 Any intern who gives or receives valuable presents whether in the form of money, goods or other personal benefits for services rendered except to the extent that he or she is specially permitted to do so by the head of department or authority;

5.1.5 Any intern who is found assisting in an action or actions of dishonesty is also culpable, and liable for similar disciplinary action

5.2 Habitual Absenteeism

The intern shall not absent himself or herself from his or her official duties during working hours without authorised leave, nor be late for duty without a valid excuse, the validity of which shall be determined by the immediate supervisor or head of department;

5.3 Abuse and Intimidation

The intern shall never:

5.3.1 Use insulting, inciting, abusive, or threatening language when interacting with members of public, patients, staff members, senior management, both on and off premises of training facilities.

5.3.2 Make threats of violence or intimidation, coercion, deceit or other conduct by physical gestures (not including assault), by speech, or by electronic means that threaten or endanger the health, freedom or safety of any person or obstructs staff members in performance of their duties.

5.3.3 Exhibit intemperate behaviour, speech or gesture, threat to strife or strike

5.3.4 Show disorderly or indecent conduct, breach of peace, anti-social behaviour, or aiding or abetting other persons to breach the peace.

5.3.5 Obstruct internship activities such as teaching, administration and disciplinary procedures.

5.3.6 Maliciously or destructively criticise the work or conduct of another intern;

5.3.7 Failure or refusal to comply with the directions of teaching or administration staff pertaining to academic or administrative matters.

5.3.8 Incite or attempt to incite another person to commit an act of behavioural misconduct.

5.4 Harassment

5.4.1 Any form of behaviour which is unwelcome, intimidating or humiliating, examples are making inappropriate comments, questions and insinuations about another person's private life, making intimidating comments or behaving so.

5.4.2 Engage in behaviour or conduct that disrupts or interferes with the work of other interns during learning hours;

5.5 Sexual Harassment

Sexual harassment would mean unwelcome sexually determined behaviour (whether directly or by implication) and includes the following: -

5.5.1 A demand or request for sexual favours

5.5.2 Eye-teasing, whistling, cat-calls, winking, staring, blocking the path, following

5.5.3 Molestation

5.5.4 Saying sexual jokes, jokes causing or likely to cause awkwardness or embarrassment

5.5.5 Physical contact, touching or brushing against any part of the body and other advances

5.5.6 Displaying pornographic or other offensive or derogatory pictures, cartoons, pamphlets or sayings.

5.5.7 Physical confinement against one's will and any other act likely to invade one's privacy

5.5.8 Repeatedly requesting a date with a person who is not interested

5.5.9 Any other unwelcome physical, verbal or non-verbal conduct of a sexual nature

5.6 Insubordination

Wilfully refuse or disregard, any provision of a law or any lawful instruction given by authority that will disrupt the administrative or internship activities or processes;

Refusal to carry out legitimate and lawful instructions given by the supervisor or any other person in authority

5.7 Raging.

Raging is completely prohibited. One or more of any of the following acts constitutes raging: -

5.7.1 Any conduct by any intern whether by words spoken or written or by an act which has the effect of teasing, undignified treatment, treating or handling with rudeness, or abusing, harassing, ill-treating, manhandling

5.7.2 Indulging in a rowdy or undisciplined manner which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any patient, staff member or members of the public or fellow intern.

5.7.3 Asking a fellow intern to do any act which such intern would not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such intern.

5.7.4 Any act by an intern that prevents, disrupts or disturbs the regular academic activity of any other intern

5.7.5 Any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, Stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person.

5.7.6 Any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfort manner to patients, staff members, seniors.

5.7.7 Any act that affects the mental health and self-confidence of a patient or any other staff member or members of public with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority.

5.8 Alcohol

Interns are neither permitted to possess or consume alcohol in the training facilities/premises nor enter the training facilities after consumption of alcohol outside the premises as this violation would result in expulsion

5.9 Misuse of Property (Used for purposes not intended to)

5.9.1 Undertake remunerative or unpaid work outside his or her official duties or use office equipment or other resources for such work without the approval of the authorities.

5.9.2 Use official property, premises and time for personal and private purposes unless authorised to do so;

5.9.3 Unless authorised by law or the terms of engagement agreement, accept any fee, reward or remuneration of any kind beyond his or her stipend for the performance of any service or duties required by the Internship Programme.;

5.10 Drugs

5.10.1 The consumption of any harmful, intoxicating, performance-enhancing and recreational drugs of any kind in the rotation sites is prohibited.

5.10.2 Interns shall not use illegal drugs and substances or abuse any other intoxicating substances, and shall not be found drunk at the training facility. Habitual drunkenness or addiction to drugs shall be viewed as damaging to the interest and the image of the training provider and Government of Lesotho;

5.11 Breach of Confidentiality

Directly or indirectly reveal or use for private purposes, any information coming to his or her knowledge or acquired by him or her, either in the course of his or her duties or in his or her capacity as an intern, otherwise than in proper discharge of his or her duties or as authorised by law or a competent authority;

5.12 Use of social networking media sites

The improper use of social networking media sites by any intern to insult and make derogatory remarks, or insinuations about any person or group of persons including staff and authorities is prohibited.

The communication of obscenities and derogatory or offensive comments at specific individuals focusing for example on gender, race, religion, nationality, sexual orientation, etc. is prohibited.

6. Misconducts

Misconduct will be divided into three categories, i.e. *minor transgressions*, *serious misconduct* and *very serious misconduct*. The seriousness of the misconduct will determine how the offence will be dealt with. The above types of misconduct and their degree of seriousness are set out in the table below:-

MINOR MISCONDUCTS	SERIOUS MISCONDUCT	VERY SERIOUS MISCONDUCT
Late for duty	Absence	Insubordination
The taking of longer rest breaks than allowed or leaving the workplace early without permission	Loss of, or damage to property of the rotation facilities or any of their clients through negligence	Theft
Party Political Interests		Use and abuse of drugs
Smoking in prohibited areas	Unruly behaviour	Misuse of alcohol or drunkenness whilst on duty

Petty negligence (negligence which does not hold serious financial implications)	Fake a disease or illness	Assault or violence
	Sleeping on duty	Dishonesty or the making of misrepresentations
		Malicious damage to property

Desertion

An intern will be deemed to have deserted the internship if he / she is absent from duty for a period exceeding seven (7) days without providing a valid reason for such absence or without permission. The Provider will warn an employee on the third consecutive day of absence of the consequences of his / her absence.

If absence starts on a Monday following a weekend or any day following a public holiday, the first day of absence will be deemed to be the Monday or the first working day following the public holiday. If a weekend or public holiday follows any consecutive number of days of absence, the weekend or public holiday will be included in the calculation of the seven (7) day period.

If an intern reports for duty within seven (7) days of his last day on duty, he / she will be subjected to a disciplinary hearing. If the intern is still absent after seven (7) days, The Provider will terminate the internship contract.

Should an intern report for duty within a reasonable time after his / her internship contract has been terminated due to desertion, The Provider may consider re-admission if the intern can produce reasonable and valid reasons for his / her actions and with consideration for whether the position has been filled or not.

7. Dispute Resolution

Any dispute arising between the internship provider and the medical Intern concerning the implementation of the program shall be resolved amicably between the parties according to the following steps:

- 7.1 Disputes must initially be resolved by the internship supervisor at the rotation site.
- 7.2 In the event that the supervisor is unable to resolve the dispute, the dispute must be referred to the Internship Representative Committee (IRC). The committee must investigate the matter referred to it and decide on the best form to resolve the dispute which may be:
 - **Conciliation-** Under this process, the parties will be afforded opportunity to each present their case before the IRC to enable resolution of the matter. If the dispute is solved amicably that will be the end.
 - **Mediation-** If conciliation has not resolved the dispute, the Committee may recommend mediation as another form of dispute resolution. In this case the parties shall agree on the mediator who will conduct the process.
 - **Arbitration-** In the event that no resolution is achieved by mediation, the parties may refer the matter to arbitration, in respect of which the arbitration shall be conducted in accordance with the provisions of the laws governing Arbitration in Lesotho.

8. Disciplinary Process

8.1 Initiation of the process

Where an intern is suspected of committing any one of the misconducts stated in clause 6 above, the process of discipline will be initiated against him in accordance with the following procedure:

8.1.1 The Internship Coordinator or his delegate will notify the intern in writing of a disciplinary enquiry into alleged misconduct.

8.1.2 The notification of the disciplinary inquiry must state the offence in clear and precise terms to enable the intern to prepare for the hearing.

8.1.3 The date, time and place of the disciplinary enquiry.

8.1.4 The intern will be informed of his / her right to representation by a fellow intern (not a legal practitioner) and the right to present his / her case at the inquiry.

8.1.5 The charged intern will be given at least 48 hours' notice of a disciplinary enquiry and such notice will not take place over a weekend or during a holiday.

8.2 Constitution of the disciplinary inquiry

The disciplinary inquiry will be constituted of the following persons:

8.2.1 Chairperson who shall be a senior manager of the internship provider or any other person with experience in handling dispute resolution matters.

8.2.2 Secretary who may be any Human Resource officer of the internship provider. The role of the secretary is to take a verbatim record of the proceedings and to advise the parties on policy and guidelines relating to the Internship Program.

8.2.3 The Initiator and witnesses for both parties

8.3 Disciplinary sanctions

The following serves as a guideline of which disciplinary penalties may be imposed for different forms of transgressions. The Chairman of the disciplinary committee may in its discretion impose a lighter penalty than that given in this guideline, provided that he is satisfied that doing so is fair and consistent with the treatment of other interns.

	MINOR MISCONDUCT	SERIOUS MISCONDUCT	VERY MISCONDUCT	SERIOUS
1 st MISCONDUCT	reprimand	Suspension from the internship program for a period six months	Suspension from the internship program for a period six months or Expulsion from the program	
2 ND MISCONDUCT	Written warning	Suspension from the internship program for a period six months Expulsion from the program	Expulsion from the program	

3 RD MISCONDUCT	Suspension from the internship program for a period six months	Expulsion from the program	
4 TH MISCONDUCT	Expulsion from the program		

8.4 Suspensions

In certain circumstances, for example in cases of alleged or suspected gross misconduct, a brief period of suspension may be considered. Suspension may also be considered in other circumstances that include:

- (a) When it is believed that the interns' presence at work may inhibit an investigation.
- (b) It should be made clear that the suspension is not considered as disciplinary action.
- (c) The suspension period will be determined by the Internship Provider based on internal consultation or legal advice.

8.5 Warnings:

It shall be competent for the disciplinary committee to pass the following punishments upon a finding of guilty on any misconduct:

8.5.1 Verbal warning

- a) In cases of minor misconduct such as failure to carry out duties satisfactorily or poor timekeeping, a verbal warning will be appropriate.
- (b) The intern should be advised that this is the first stage of the disciplinary procedure after which there will be further disciplinary action against them if further instances of misconduct happen.
- (c) The execution of the verbal warning shall be documented and shall clearly inform the intern of the improvement required, and the period thereof

(d) The warning shall remain active on file for a period of 6 months after which it will be nullified.

8.5.2 Written warning

a) In cases of more serious misconduct or where there has been repetition of misconduct a written warning shall be given.

b) The warning letter shall be drafted by the Human Resource department in consultation with the senior management team within 7 days of the hearing.

(C) The Written Warning should specify:

(i) The nature of the misconduct

(ii) The reasons for the decision made

(iii) The period of time given for improvement and the improvement expected.

(iv) The likely consequences of further misconduct/poor performance.

(d) The warning letter will be active for a 9-12 months based on the improvement of the intern

(e) The intern shall be sent two copies of the disciplinary letter. One shall be signed and returned to the Human Resource unit for filing and in confirmation that the intern did receive it and agrees with the contents.

8.5.3 Final written warning

a) A Final Written Warning can only be given by one of the senior management team and it shall be in instances where misconduct is deemed to be most serious but falls short of warranting expulsion, or where earlier warnings have not resulted in improved performance/conduct. Where a final written warning is a possible sanction, a disciplinary inquiry must be held.

(b) The final warning letter will be sent to the intern within 7 days of the hearing

(c) The written warning shall clearly state:

(i) The nature of the misconduct

(ii) The reasons for the decision made

(iii) The period of time given for improvement and the improvement expected

(iv) The likely consequences of further misconduct

(v) The timescale for lodging an appeal and how it should be made

(d) The warning shall remain active on file for a period of between 12 and 18 months based on the level of improvement of the intern.

(e) The final written warning shall be kept but will be disregarded for disciplinary purposes after the period that the warning is in force has elapsed.

(f) The intern shall be sent three copies of the letter of last warning. One shall be signed and returned to the Internship Program Administration and LeBOHA Human Resource unit for filing and as confirmation that the Intern did receive the letter.

8.5.4 Expulsion

(a) This is the extreme sanction that can be used against the intern. To ensure proper application of this and to avoid its abuse, there should be sufficient provision of advice, support and encouragement to enable interns to modify their behaviour or work performance in accordance with the needs of the training provider.

(b) Expulsion shall be the remaining option in cases of gross misconduct or when earlier warnings may have failed to bring about the desired improvement.

(c) Where expulsion is contemplated as a possible sanction, a disciplinary inquiry must be held.

(c) Expulsion shall fall under the following categories:

(i) Expulsion with notice

- Under normal disciplinary procedures, an expulsion will be with a 30-day notice.
- The intern will be served with an expulsion letter that stipulates the reasons for expulsion, and the period of the notice.
- At this point the intern is still within his rights to appeal the decision to have them expelled and the Human Resource unit shall allow for the appeal to be made within the notice period
- If appeal is denied and the expulsion stands, the expulsion shall continue with the amount of notice left off before the appeal

(ii) Expulsion without notice

- Matters which may be considered worthy of expulsion without notice are outlined in this Code of Conduct above.
- It is still under the interns' rights to apply for an appeal under this procedure

9. Miscellaneous

9.1 Involvement of Police

- In cases where the actions of an intern are subject to Police investigation, the intern shall be suspended.
- Whilst due regard must be given to the police investigation, it is not a requirement to await its conclusion before deciding on disciplinary action. Criminal charges or convictions outside official duties shall not be treated as automatic reasons for expulsion or any other disciplinary measure.

9.2 Appeals to Lesotho Medical, Dental and Pharmacy Council (LMDPC) involvement

Interns have the right to appeal to the LMDPC against the management decision. The intern shall notify senior management in writing of the intention to appeal against a disciplinary decision, and the grounds for that appeal, within 14 days of receiving written confirmation of the decision.

(a) Grounds for appeal may include:

(i) The perceived unfairness of the judgment

(ii) The severity of the penalty

(iii) New evidence coming to light

(iv) Procedural irregularities

(b) After filing for an appeal, the intern shall receive a letter from the Human Resource unit specifying the date of the appeal.

(c) Appeals will not involve a re-hearing of the case but shall focus on the grounds of appeal.