

Nurse Disciplined for Unprofessional Posts on Social Media Loses Appeal

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Background

In 2015, Strom posted comments on Facebook and Twitter relating to the end-of-life care that her grandfather received at St. Joseph's Health facility in Saskatchewan. In her comments, Strom criticized the competence and professionalism of staff — including other nurses — who worked at the facility.

The Discipline Committee of the Saskatchewan Registered Nurses' Association (the "Discipline Committee") ruled that in publicly posting the comments, Strom engaged in professional misconduct, imposing a \$1,000 fine and ordering Strom to pay \$25,000 for the costs of the proceedings.

View Strom's Online Comments

Ms. Strom initially posted the following comments on Facebook:

My Grandfather spent a week in "Palliative Care" before he died and after hearing about his and my family's experience there (@ St. Joseph's Health Facility in Macklin, SK) it is evident that Not Everyone is "up to speed" on how to approach end of life care ... Or how to help maintain an Aging (SIC) Senior's Dignity (among other things!)

So ... I challenge the people involved in decision making with that facility, to please get All Your Staff a refresher on the topic AND More.

Don't get me wrong, "some" people have provided excellent care so I thank you so very much for YOUR efforts, but to those who made Grandpa's last years less than desirable, Please Do Better Next Time! My Grandmother has chosen to stay in your facility, so here is your chance to treat her "like you would want your own family member to be treated".

That's All I Ask!

And a caution to anyone that has loved ones at the facility mentioned above: keep an eye on things and report anything you Do Not Like! That's the only way to get some things to change.

(I'm glad the column reference below surfaced, because it has given me a way to segway (sic) into this topic.)

The fact that I have to ask people, who work in health care, to take a step back and be more compassionate, saddens me more than you know!

In response to an entry on Strom's Facebook page by another person, who had concluded her comments with "Isn't it unfortunate that we have to have this discussion at all?", Strom posted the following:

It is VERY UNFORTUNATE Alex. And this has been an ongoing struggle with the often subpar care given to my [surname] Grandparents (especially Grandpa) for many years now....Hence my effort to bring more public attention to it (As not much else seems to be working).

As an RN and avid health care advocate myself, I just HAVE to speak up! Whatever reasons/excuses people give for not giving quality care, I Do Not Care. It. Just. Needs. To. Be. Fixed. And NOW!

And in response to another comment that concluded with "... we all deserve to be treated with respect," Strom posted :

Absolutely, and that's why I am also now asking people to just rethink... "Why do you do your job?" "Do you actually care about the people you WORK FOR/Care For?" "Or is it JUST A JOB, WITH A PAYCHEQUE?" .. If so, maybe it's time to take a step back.

Either way I just want my Grandmother (and everyone else in that facility) to be treated well, ALWAYS!

Strom tweeted a link to her Facebook discussion to both the provincial Minister of Health and the Leader of the Opposition. and changed her Facebook settings so that the discussion, which to that point had been accessible only by her Facebook friends, became accessible by anyone who accessed the link.

Discipline Committee Decision

The Discipline Committee concluded that Strom's off-duty conduct was subject to discipline because she identified herself as a registered nurse when making comments on Facebook and Twitter with the purpose of adding credibility and legitimacy to them. Strom herself admitted that, being an advocate nurse, she had been motivated to make the comments online and had also made them known to both the provincial Minister of Health and Leader of Opposition.

The Discipline Committee's primary concern related to Strom criticizing the care provided by other nurses without knowing or endeavoring to know all the facts. Strom had attended the facility only a handful of times each year and had little direct knowledge of the care her grandfather received there — her online comments were based on information provided by her relatives.

The Discipline Committee accepted that Strom had not been motivated by malice, but perhaps by grief and anger but found that nonetheless she was bound to act professionally. Further, as the comments on social media needlessly harmed the reputation of the nursing staff at St. Joseph's and undermined the public confidence in them, they amounted to professional misconduct. The Discipline Committee relied, in part, on various publications that remind nurses that their online content and behaviour are subject to the same ethical and professional standards that have always applied to the profession.

The Discipline Committee also took into account Strom's right to freedom of expression as guaranteed by the *Canadian Charter of Rights and Freedoms*, making it clear that it does not seek to "muzzle" nurses from using social media but to ensure they conduct themselves professionally when communicating online.

In balancing the conflicting interests at stake, the Discipline Committee was sensitive to the nature and extent of the harm caused by Ms. Strom's online comments, and to the right to express concerns. It concluded that Strom should have used other available avenues to voice her criticisms and avoid harming the reputation of other nurses.

Comment

On appeal, the Saskatchewan Court of Queen's Bench upheld the decision of the Discipline Committee. The court determined that the Discipline Committee's decision is reasonable and falls within the acceptable range of possible outcomes. Strom's lawyer has said they will be appealing to the Saskatchewan Court of Appeal.

The Discipline Committee and court decisions in *Strom* have attracted a lot of attention. Strom's legal proceedings have been closely followed by nurses across the country, many of whom have now signed an open letter saying that the Disciplinary Committee's decision will silence nurses who speak up about patient care. In addition, hundreds of people across Canada and the United States signed an online petition calling for the decision to be reversed and an online fundraiser has raised more than \$27,000 to cover the penalty and costs levied against Strom.

Some commentators say the case reflects an undue restriction of a nurse's right to freedom of expression. This concern is the reason why the Saskatchewan Union of Nurses and the British Columbia Civil Liberties Association intervened before the Saskatchewan Court of Queen's Bench.

Whether or not the decision in *Strom* will be overturned on appeal is difficult to predict. But in the age of social media, the intersection of (and boundaries between) professional responsibility and personal freedom of expression is an eminently relevant social question, which we expect different administrative tribunals and courts will continue to try to answer in a variety of ways.

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