

THE DUTY TO REPORT TO RHPA

This position paper has been developed for Ontario Nurses' Association (ONA) members/representatives who represent other ONA members in all aspects of labour relations in all sectors.

The obligation to report possible breaches of professional standards does not arise when ONA representatives as members of their respective college acquire the information regarding the possible breach from communications made in the context of a labour relations representation or relationship.

ONA believes that the labour relations context of communication between union representatives/members and ONA members is legally privileged information and therefore not disclosable to the members of the respective colleges.

The obligation on regulated health professionals to report incidents of unsafe practice or unethical conduct found in the various colleges' regulations is limited by the colleges' mandate to regulate regulated health professionals in the course of their professional practice.

There is a difference in the actions of ONA representatives/members as practicing regulated health professionals and as labour relations personnel. When working as regulated health professionals, ONA members

must report incidents of unsafe care and unethical behavior to the employer or to their respective college. While working in a labour relations capacity ONA members are not required to report, as they did not acquire the information in the course of their practice.

Regulated health professionals have a duty to report only when they acquired the information in the course of their practice.

Unions are required to fairly represent their members. This duty of fair representation includes a duty to hold in confidence disclosures against self-interest that are made by the member. Conversations between union representatives and the regulated health professionals whom they represent must happen in confidential circumstances. Confidentiality is essential to the relationship.

Any ONA regulated health professional representatives/members who are involved in witnessing or reporting alleged professional misconduct in the course of their professional duties should not be involved in the labour relations aspect of the same matter. This matter must be referred immediately to a Labour Relations Officer (LRO).

