



## Different programs, different policies

WHY ONA AND OTHER UNIONIZED RNAO MEMBERS SHOULD HAVE LAP.

ALMOST 25 PER CENT OF RNAO members report that they are members of the Ontario Nurses' Association (ONA) through their employment. A portion of others are members of trade unions such as the Canadian Union of Public Employees (CUPE), Ontario Public Service Employees Union (OPSEU), and the Professional Institute of the Public Service of Canada (PIPSC). These unions provide labour relations assistance to their members through local union representatives and labour relations officers. Most also provide some degree of legal assistance as it relates to matters that go beyond the terms and conditions of their employment. For instance, the *Legal Expense Assistance Plan* (LEAP) is one of the benefits ONA offers to its members.

Many unionized RNAO members have asked me about the difference between ONA's LEAP program and RNAO's Legal Assistance Program (LAP). It's an important question, and one I address below. In addition to identifying the differences between the two programs, it's vital we explore the reasons why unionized RNAO members may benefit from LAP protection.

As a regulated health-care professional, you could be the subject of a complaint or report to the College of Nurses of Ontario (CNO). The complaint may come from a patient, colleague, employer or even a member of the public. You may

be involved in an incident at work that leads to a criminal investigation, or an inquiry by the information and privacy commissioner. You may even receive a summons or subpoena to testify as a witness, or at a coroner's inquest.

In these circumstances, ONA's LEAP program provides assistance to its members. However, it is important to be aware that this assistance is

### “WHO WILL PROTECT YOU, YOUR PROFESSIONAL REPUTATION AND REGISTRATION IF A COMPLAINT IS MADE AGAINST YOU TO THE CNO?”

only available in relation to matters connected to your employment at an ONA facility. In particular, at the time of the incident(s), you must have been: included within a bargaining unit for which ONA was the bargaining agent at the time; and regularly paying dues or the equivalent to ONA.

When unionized RNAO members question the need to maintain LAP despite having access to the LEAP program, I often ask them this simple but vital question: who will protect you, your professional reputation and registration if a complaint is made against you to the CNO in relation to matters not connected to your

employment at an ONA or unionized workplace?

Consider these scenarios:

- You recently assumed a unionized position and decided to cancel your LAP coverage through RNAO because of the legal program offered by your union. A year later, you receive notification from the CNO that you are the subject of a complaint made by a patient you treated in your former place of

employment at an ONA or unionized workplace? Consider these scenarios:

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- You're facing a complaint with CNO and discover the non-nursing union that you belong to does not provide any assistance in relation to investigations of a member's professional practice arising from a complaint or report to the CNO, even if the incident(s) occurred in a workplace where that union is the bargaining agent.
- You've provided care to an acquaintance, neighbour, or a

member of the public in an emergency situation. During the course of your volunteer or casual, part-time, non-unionized work, you've suddenly found yourself facing a complaint in relation to the care you provided. Who will protect you?

In all the above circumstances, RNAO's LAP members who have maintained their coverage in accordance with program policies may be eligible for funding assistance and for access to legal counsel under the program.

Many nurses don't realize that there is no statute of limitations in relation to CNO complaints. In other words, there is no maximum time after an incident has occurred that CNO proceedings may be initiated. Nurses must protect their professional reputation past, present and future. You need and deserve peace of mind. **RN**

To find out more about LAP and its ongoing webinar series, including a webinar on this issue, visit [www.RNAO.ca/LAP](http://www.RNAO.ca/LAP)