Employer Reporting Responsibilities

A guide to mandatory reporting and complaints

Introduction

The College of LPNs and HCAs of Alberta (CLHA) regulates Licensed Practical Nurses (LPNs) and Health Care Aides (HCAs) in the best interest of the public. Employers play an important role in identifying and reporting concerns about a regulated professional's practice or conduct.

What is unprofessional conduct?

Unprofessional conduct is defined in Section 1 of the *Health Professions Act* (HPA) and may include the following:

- **Lack of knowledge, skill, or judgement:** Unsafe patient handling, medication errors, or other practices that put patients at risk.
- **Breaches of professional standards or ethics:** Inappropriate professional boundaries, privacy breaches, neglect, or disrespectful behaviour.
- **Conduct that harms the integrity of the profession:** Dishonesty, fraud, or certain off-duty conduct.

What must employers report?

Under section 57 of the HPA, employers are required to complete mandatory reporting to the CLHA for the following:

- **Suspension or termination:** When an LPN or HCA is suspended or terminated from employment because of conduct the employer considers unprofessional.
- **Resignation:** When an LPN or HCA resigns because of conduct the employer considers unprofessional, or before an employer can investigate or issue discipline.
- **Sexual abuse or sexual misconduct:** When allegations that an LPN or HCA has engaged in sexual abuse or sexual misconduct involving a patient are raised.

Reports involving suspension, termination, or resignation must be submitted as soon as reasonably possible. Allegations of sexual abuse or sexual misconduct towards a patient must be reported immediately.

What other concerns can employers report?

Employers have discretion to submit complaints about other concerns involving unsafe, unethical, or unskilled practices that do not fall within mandatory reporting requirements.

Not every workplace concern requires a regulatory complaint, as some employment or human resources matters may be appropriately addressed at the workplace.

What information should employers provide?

Employers should include:

- A clear description of the concern, including relevant dates.
- Supporting records, policies, or investigation findings.
- Names and contact information for involved individuals or witnesses.
- Information about actions already taken by the employer.

For sexual abuse or sexual misconduct complaints, patient personal information is required so the CLHA can meet its obligations under the Patient Relations Program set out in the HPA.

Frequently Asked Questions

Can an employer report a concern after an employee resigns?

Yes. Resignation does not remove an employer's reporting obligations or necessarily prevent the CLHA from investigating.

Does an employer need to complete an internal investigation before reporting?

No. Employers must meet mandatory reporting requirements as set out in the HPA. Additional information can be provided as it becomes available.

What happens after a complaint is submitted?

The CLHA reviews the complaint to determine whether it falls within its authority. The Complaints Department may request additional information, contact witnesses, begin an investigation or dismiss the complaint. The CLHA applies a *Right-Touch Regulation* approach when making decisions, which considers the nature of the concern and the risk to the public.

What responsibilities does an employer have after reporting?

Employers are expected to cooperate with requests for participation and information, provide relevant records, identify witnesses, and keep the CLHA informed of changes to contact information or other changes that may affect the complaints process.

Questions about employer reporting or the complaints process?

Visit CLHA.com for more information or contact the Complaints Department at complaints@clha.com.