

About Our Legal Expense Assistance Plan (LEAP)

Services you can rely on

At ONA, you're supported by experts every step of the way. Our Legal Expense Assistance Plan (LEAP) Team brings together professionals with legal and nursing expertise to guide and protect ONA members facing legal or regulatory challenges arising from their work within an ONA Bargaining Unit.

Why you need LEAP

As a health-care professional, you may practice for 20, 30 or even 40 years. You may at some point in your career be the subject of a patient, family or employer complaint or report to your regulatory college. We hope this will not happen, but if it does, you need to be prepared. There are no time limits on complaints to regulatory colleges, so allegations can sometimes arise months or even years after an alleged incident.

LEAP provides you with advice and/or representation in the following situations:

- Complaints or reports to your regulatory body (including health issues that might affect your ability to practice) and appeals of regulatory body decisions.
- Criminal investigations or charges arising from a work-related incident.
- Coroner's investigations and inquests.
- Complaints to the Information and Privacy Commissioner; appeals of orders; prosecutions under the *Personal Health Information Protection Act*.
- Investigations under the *Fixing Long-Term Care Act*.
- Being subpoenaed as a witness in a criminal case, regulatory matter, coroner's inquest or custody dispute.

French-language representation is available on request.

All registered nurses, graduate nurses, and health-care professionals for whom ONA is the bargaining agent, and who regularly pay dues or the equivalent, are covered by LEAP. In addition, ONA members who are not health-care professionals are eligible for help with coroner's and police



matters, and for witness advice.

Eligibility is limited to incidents that occur in the course of your employment at a workplace for which ONA is the bargaining agent.

LEAP facts and figures

- Regulatory colleges investigate complaints and reports about the practice of regulated health professionals. They also investigate health matters that might affect your ability to practice safely (eg. mental health and substance use disorders).
- Complaints and reports can take anywhere from six months to a year or more to be resolved. If a complaint is appealed, the case can take a further year or more.
- Without LEAP services, retaining legal help to resolve regulatory college matters could cost between \$2,000 and \$30,000. If the matter were referred to the Discipline Committee, the cost of representation in a hearing could exceed \$100,000.
- Criminal cases, ranging from theft or fraud to sexual assault and even murder, could also involve extremely high legal fees.

For details of coverage, please refer to the LEAP Plan itself, available at ona.org/leap.

Important note about professional liability

(malpractice) lawsuits:

- ONA provides secondary coverage for professional liability (malpractice) lawsuits, through Trisura Guaranteed Insurance Company. This professional liability Insurance policy is designed to provide coverage that is secondary and in addition to the coverage that is carried by health-care employers where ONA is the bargaining agent.
- The Professional Liability Plan is provided to all members as part of their union dues. Please see the policy for full terms, conditions, and limitations at ona.org/liability-insurance.

ONA's Professional Responsibility Clause resolves workload and practice concerns

Health-care professionals are unique. At ONA, we understand that you need a collective agreement tailored to you and the challenging work you do.

The Professional Responsibility Clause (PRC) is language in our collective agreements that we pioneered that sets out a process for reporting situations of unsafe patient care, excessive workload, or practice concerns that the employer can't ignore.

The PRC:

- Gives you a say in the quality, safe and ethical care you provide.
- Opens discussion with management and provides a problem-solving approach to help you meet your professional standards.
- Provides you with a process and union representation to resolve practice concerns.

The PRC is about you and your ability to provide quality care

The PRC helps with:

- Staffing and workload issues including a lack of appropriate staff, increased consultations, urgent and emergent situations, add-ons, and patient/work volumes.
- Your ability to meet legislation, employer policies and procedures, professional and safety standards in your work environment.

- Equipment issues including lack of or malfunctioning, non-functioning equipment.
- Supply issues such as lack of availability or process for replenishing.
- Educational opportunities, in-services, certification training, and mentorship opportunities and resources.
- Collaboration in decision-making that affects your practice and patient outcomes.

Helping you meet your professional standards

Health-care professionals are required to meet professional standards as set out by regulatory colleges, yet our employers control our working conditions.

The PRC process is a way to formally identify concerns with your employer. It escalates concerns and holds your managers accountable to find solutions and work collaboratively to resolve issues.

The PRC process also provides evidence that you identified patient care concerns/practice issues to management should you find yourself in the position of responding to a regulatory college complaint or inquiry.

The PRC process can result in:

- Increased staffing levels.
- Improved communication with employers.
- Safer workplaces.
- Improved quality of care.
- Provision of necessary equipment and supplies.
- Improved documentation.
- Input into decision-making that directly impacts workload and patient care.

We protect your right to practice safely and effectively

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ona.org/ohah-vote