

FAQ

Duty to Report: *When am I responsible to do so and how do I do it?*

RNs are the most likely to identify changes or problems in a colleague's nursing practice. RN colleagues need to be knowledgeable about and attentive to behaviour or actions that are not conducive to safe, competent, ethical or compassionate care. It is written in the *Standards of Practice for Registered Nurses* (2012): "The registered nurse recognizes and takes action in situations where client safety is actually or potentially compromised and fulfills duty to report," (p.9)¹.

RNs may be reluctant to report a situation due to a personal relationship with a colleague or from fear of being wrong about what is occurring. It is difficult to speak up in the workplace, for fear of repercussion from others and because of the unknown outcomes on the healthcare team as a whole and on the colleague, as an individual.

In such cases, RNs are required to take the necessary steps to protect the safety of persons receiving care. When an RN is trying to determine if she needs to speak up or not, answering these self-directed questions should help in that decision:

- What do I observe?
- How does what I'm observing affect client care and the effectiveness of the health care team?
- Has a client been harmed or at risk of being harmed if the RN's behaviour continues?
- Does it appear my colleague could benefit from assistance?
- What should be done to address my concerns?

RNs need to be knowledgeable of their *Code of Ethics*² (CNA, 2017) and their standards of practice documents, which RNs are required to meet as registered nurses in New Brunswick (see Table A for a listing of NANB documents which contain standard statements and practice indicators).

Employers, including directors of clinical practice and nurse managers, need to be familiar with employer expectations (i.e. human resource policies); privacy laws; union contracts addressing unacceptable behaviour of RNs; NANB standards for nursing practice; and the NANB conduct review process³.

¹ Nurses Association of New Brunswick. (2012). *Standards of Practice for Registered Nurses*. Fredericton, NB: Author.

²Canadian Nurses Association. (2017). *Code of Ethics for Registered Nurses*. Ottawa, ON: Author.
<https://www.cna-aiic.ca/html/en/Code-of-Ethics-2017-Edition/index.html>

³ Nurses Association of New Brunswick (2014). *Professional Conduct Review: Complaints and Discipline Process*
<http://www.nanb.nb.ca/media/resource/NANB-PCR-ComplaintsDisciplineProcess-E.pdf>

When it is determined that a colleague's actions warrant intervention, suggested actions include the following:

- Be knowledgeable – familiarize yourself with your *Code of Ethics*; privacy laws; employer policies; and NANB standards of expected RN practice.
- Document facts clearly, concisely, and with dates.
- Focus on the disclosure, not on the personality of the person being reported, by providing objective data.
- Maintain confidentiality and adhere to employer policies.
- Write a brief and objective summary of the information and provide the source of the information.
- Do not assume that it will be possible to remain anonymous as the reporter.
- Do not be surprised if some colleagues retaliate (e.g., the cold shoulder, overt harassment, increased work-load).
- Do not gossip – Malicious gossip can tarnish the RN's reputation.
- Use institutional channels of communication before considering reporting to an outside authority. For example, report to your direct supervisor first and if applicable, follow employer policy for reporting unsafe and/or unethical practice.

Anyone can lodge a formal complaint with the NANB, but it is often done after the employer has unsuccessfully attempted a remedial intervention with an RN. Instances where the *Nurses Act*⁴ (1984) requires a complaint be lodged with NANB include: when an RN's employment is terminated for reasons of incompetence or incapacity; when an RN resigns while being investigated for incompetence or incapacity; or in instances of allegations of sexual abuse of a client.

Table A: Regulatory Documents from the Nurses Association of New Brunswick (www.nanb.nb.ca)

Practice Standard: Medication Administration (2013)

<http://www.nanb.nb.ca/media/resource/NANB-MedStandardRevised-November2016-E.pdf>

Standards for Documentation (2015)

<http://www.nanb.nb.ca/media/resource/NANB-StandardsFor-Documentation-E.pdf>

Standards for the Therapeutic Nurse-Client Relationship (2015)

<http://www.nanb.nb.ca/media/resource/NANB-StandardsNurseClientRelation-E-2015-10.pdf>

Standards of Practice for Registered Nurses (2012)

<http://www.nanb.nb.ca/media/resource/NANB-StandardsOfPractice-RegisteredNurses-2012-E.pdf>

⁴ Nurses Association of New Brunswick. (1984). *Nurses Act*. Fredericton: Author.

Other documents such as guidelines and position statements provide more specific direction for the application of the Standards in various roles and practice settings. The following NANB documents provide insightful guidance to nursing practice, especially with regards to working with someone who is not meeting their standards of practice or is breaching their professional code of ethics. The following documents may be found under the **Resource Library** tab at www.nanb.nb.ca :

1. Guidelines for the Recognition and Management of Problematic Substance Use in the Nursing Profession (NANB, 2016).
2. Practice Guideline: Ethical and Responsible Use of Social Media Technologies (NANB, 2012).
3. Practice Guideline: Managing Registered Nurses with Significant Practice Problems (NANB, 2012)
4. Resolving Professional Practice Problems (NANB, 2014).
5. Workplace Violence and Bullying (CNA/CFNU joint position statement endorsed by NANB, 2015).

It is important for RNs to understand when to report, what to report and how to report a colleague who is practising in a professionally unacceptable manner, such as incompetence, impaired practice or abuse. RNs are responsible to know what is required of them both legally and ethically.