

# NBNU news

## MESSAGE FROM THE PRESIDENT'S DESK

As 2016 draws to a close, many changes have taken place this past year. As I have stepped into the role as your Provincial President, I want to thank you for putting your faith and trust in me to continue to lead NBNU.

I also want to take a moment to thank Marilyn, our longest standing President of 12 years, for the great work she has done on behalf of registered nurses in NB and for advocating for the best healthcare that we can provide. She has been successful in elevating the profile of registered nurses and I look forward to continuing down that same path. As registered nurses, we are the "experts" in healthcare. We must continue to be vocal on the issues that will have a direct impact on those we care for, the delivery of safe care and the ability to have safe workplaces across the province.

### VIOLENCE IN THE WORKPLACE UPDATE

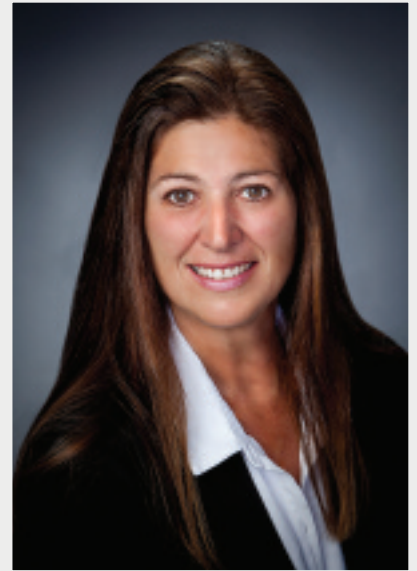
Addressing workplace violence continues to be a top priority for NBNU leadership. New Brunswick is the only province in Canada that does not recognize violence in the workplace as a workplace hazard. As we maintain collaboration with employers monitoring progress of efforts within your workplaces, we are now putting renewed pressure on government with a strong call for legislative change.

Your leadership has petitioned five ministers in five years to ask for amendments to the *Occupational Health and Safety Act* to include violence as a workplace hazard. The law has yet to be fixed. In the interim, NBNU has negotiated letters in your collective agreements, in addition to working with employers, to develop and implement measures to prevent violence. Our work has also focused on providing better support to those involved when violence does occur. However, we need legislative change to guarantee this work will continue on behalf of the employer.

What nurses want for ourselves, we also want for others. Rates of workplace violence are especially high in healthcare, but workplace violence occurs in other sectors as well. Regardless of the nature of their work, everyone has the right to a safe workplace. No one should consider violence as "just part of the job."

This is why we are urging Minister Arseneault, to fix the law to clearly define violence to cover all sources of workplace related violence. The law should cover all workplaces and include risk assessment, prevention and incident follow-up support provisions. There must be a positive obligation on employers to protect their workers, account for these ever-present hazards and take responsibility for minimizing risk.

At the AGM, members passed a resolution and kicked off a concerted effort to lobby the Minister of Post-Secondary Education Training and Labour to take overdue action on this serious issue. A press conference was held generating significant media coverage. Letters were signed by all those in attendance and sent to Minister Arseneault and Premier



*Paula Doucet, President*

Gallant. Petitions were also sent back to the locals for signatures to be collected and returned to provincial office to be presented to government. If you would like to submit a letter to government on this issue, you may do so by using the form found here:

**[www.nbnu.ca/stop-workplace-violence](http://www.nbnu.ca/stop-workplace-violence)**.

Meanwhile, progress continues within Horizon as their violence prevention program becomes operationalized across the health authority. In the nursing home sector, new tools have been added to the violence prevention toolkit. Those resources, as well as the tools launched last year, can be found on the New Brunswick Continuing Care Safety Association website: <http://bit.ly/2fG7cP1>. Limited progress has occurred within Vitalité to date. However, management within Vitalité have recently indicated a willingness to increase their violence prevention efforts and have reviewed Horizon's program.

*Continued inside*

I have requested a meeting with Vitalité CEO, Gilles Lanteigne, to discuss NBNU priorities and how we can work together on a number of issues, including workplace violence prevention.

I remind you that it is essential to report all incidents of violence, aggression or harassment using new incident reporting software where available or via paper forms in your workplace. Don't forget to also complete a work situation report if the incident affected your ability to meet nursing practice standards. Incident reporting data will be an important measure to monitor and ensure our prevention efforts are effective. Reporting the incidents also serves as a trigger for management to conduct the appropriate follow-up. Work situation reports and the professional practice process not only protect your licence as an RN, but help to protect patients, residents and clients by making sure staff have the conditions they need to deliver quality care.

## BLOODWATCH.ORG

NBNU has joined in the fight with Bloodwatch to ban a private-for-profit company called Canadian Plasma Resources (CPR), to set up in the Moncton area for paid plasma donations. Kat Lanteigne, the executive director and co-founder of Bloodwatch spoke at our AGM in October. She explained the importance of nurses getting involved in this fight.

As registered nurses we never want to live through another tainted blood scandal, and by allowing private-for-profit companies to set up in NB, the possibility of this terrible tragedy being repeated could become a reality.

NB Health Minister, Victor Boudreau, is wanting to move forward and supports CPR opening for business in Moncton. NBNU has made the decision to actively try and put a stop to this happening. Following the tainted blood scandal in the 1980's, Canada spent \$17 million on a federal inquiry headed by Justice Horace Krever, which recommended an end to the private-for-profit blood donor system in Canada. Thirty years later, we are still fighting this battle.

NBNU opposes the commercialization of the Canadian blood supply system and paid blood donations. Our concern first and foremost is always the safety of our patients, clients and residents. We are deeply

concerned that paying New Brunswickers for plasma could threaten the safety of our public collection system.

Letters to Federal Health Minister, Jane Philpott, and NB Health Minister, Victor Boudreau, have been sent by members voicing their opposition. We have also collected a number of petitions that I will be delivering to the Health Minister and Premier asking them to reconsider their decisions when it comes to the health of some of NB's most vulnerable.

In the coming months, I will be reaching out to you to support NBNU in this fight, asking you to actively get involved for the future of a safe Canadian blood system, supporting Canadian Blood Services in becoming self-sufficient in the delivery of blood and blood products for all Canadians.

## RN 24/7 CAMPAIGN UPDATE

NBNU has continued to run our *Registered Nurses: 24/7* commercial with an 8-week digital campaign. The ad, which has been positively received in market, ran October 17<sup>th</sup> – November 28<sup>th</sup>.

During our public opinion research survey last year, when the public was asked about the roles and responsibilities of registered nurses, most individuals spoke about the "warm and fuzzy" memories they have. Only 7% of those surveyed, noted that RNs have a high level of trust and knowledge based on their education and experience. We aimed to shift this mentality by depicting RNs in their natural

work environment, utilizing technology and their expertise to provide acute care.

While it is too soon to share the latest analytics with you, I can say that during our first phase of the campaign, we reached 35, 616 people on YouTube and 126, 236 people on Facebook. For phase two we have chosen to advertise on Instagram as well. I encourage those using the platform to follow NBNU on Instagram at: NBNU\_SIINB.

## CLOSING

As many of you will be working during the Christmas season, I want to thank each of you for the expertise, compassion and dedication you give to patients, clients and residents in your care. For the past 19 years I worked during Christmas, and I know firsthand the toll this takes on all of us and our families. I hope that each of you find some time to rest, relax and celebrate with your loved ones.

Wishing you and yours a Merry Christmas and Happy New Year.

In Solidarity,

Paula Doucet  
President



Paula Doucet (far right) joins Kat Lanteigne (center) and other union and healthcare advocates at a press conference for Bloodwatch.org in Ottawa.

# MESSAGE FROM THE EXECUTIVE DIRECTOR

## PROFESSIONAL PRACTICE

As a result of member and local president feedback on last year's surveys, as well as issues raised at both the 2016 Executive Council and Annual General Meeting, it is clear that professional practice is a portfolio that will continue to grow.

NBNU has created an online resource support at [www.nbnu.ca/ppc](http://www.nbnu.ca/ppc). There, members will find a one-stop-shop for everything related to professional practice; including, frequently asked questions, work situation report forms and helpful guides. I encourage members to visit this "hub" to familiarize yourself and utilize the tools NBNU has put in place to help problem-solve adverse working conditions. Only you can take the first step.

NBNU is also collaborating with NANB to develop a set of guidelines for registered nurses who are requested to work beyond their scheduled shifts. This initiative is in response to complaints, arising mainly out of Vitalité, where members are being given the untenable choice between "mandatory overtime," or abandoning patients. There is no such thing as mandatory overtime, and NANB has clearly explained the concept of abandonment. We are pleased with the progress to date, and hope to have these guidelines in place for 2017.

If there is anything you would like to see included in these guidelines, please contact your local executive, labour relations officer, or provincial office and we will do our best.

## EMP-MEDAVIE

At the time of writing this report, there are no new updates to share. As your Union, we have heard your concerns and are prepared to ensure that bargained for rights and benefits are not impacted in the event that Medavie begins managing EMP. Unfortunately, all parties have been left with uncertainty, which is negatively impacting EMP's ability to retain and recruit registered nurses.

## HORIZON'S "OPTIMIZED ROTATION" PROJECT

NBNU filed a provincial grievance as a result of the schedules produced under the banner of "optimized rotations." The provincial grievance has not been resolved and has been referred to adjudication. Your labour relations team is continuing to work with Horizon human

resources to rectify the violations. At the time of writing, we understand that Horizon has begun meeting with individual units in an effort to learn valuable lessons on how to approach this project in the future, as well as to look at making acceptable changes to the existing "optimized rotations."

NBNU will continue to fight for your rights under the collective agreement.

## NURSING HOME RETROACTIVITY

The goodwill generated by the signing of a well-received collective agreement dissipated quickly when the employer unilaterally determined that it would not pay retroactivity within the timeframe stipulated in the contract. As such, approximately 23 grievances have been referred to adjudication. While most of these homes have since paid the retro, albeit late, NBNU will be seeking a decision from an adjudicator to prevent such disrespect in the future.

## NBNU MEMBERSHIP SURVEY

In November, NBNU hired a professional surveying company, MQO Research, to conduct our 2016 annual membership survey. The objective was to gather input from members on union activities and servicing. In total, 400 participants were contacted at random between November 8-18<sup>th</sup>. Participation was voluntary and anonymous.

Thank you to all members who took the time to share their feedback. Your input is extremely important to improve and strengthen the work carried out by your Union.

Results will be shared in the 2017 Parasol.



*Matt Hiltz, Executive Director*

## STAFFING

Ellen Oakes Thompson will be taking a maternity leave for 2017, and NBNU is pleased to welcome Jennifer Weston to our labour relations team. Jennifer is a lawyer, who was called to the NB bar in 2014. She will begin filling in for Ellen on January 2<sup>nd</sup>, 2017.

In Solidarity,

A handwritten signature in black ink, appearing to read "Matt Hiltz". The signature is stylized and fluid.

Matt Hiltz  
Executive Director



*From left to right: Matt Hiltz, Cathy Wall, Ronda McCready, Paula Doucet, Marilyn Quinn, Shelley Duggan, Maria Richard, Nancy Arseneau and Norbert Robichaud.*

# CURIOSITY AND PATIENT RECORDS – A PRESCRIPTION FOR TERMINATION

BY: ELLEN OAKES THOMPSON, LABOUR RELATIONS OFFICER

Registered nurses have both an ethical and legal responsibility to maintain the confidentiality and privacy of patient information. A number of cases have outlined the importance of understanding these responsibilities and the potential ramifications of privacy breaches by hospital employees. *Ontario Nurses' Association v Norfolk General Hospital*, 2015 CanLII 62332 (ON LA) is a recent example.

## THE FACTS

After attending the Norfolk General Hospital in Simcoe, Ontario (the "Hospital"), a patient contacted the Hospital's Privacy Officer and complained that people in her community knew about her visit. The patient alleged that a well-respected nurse with 12 years of ICU experience was the source of the privacy breach.

Upon receipt of the complaint, the Hospital began an investigation and determined that the ICU nurse had inappropriately accessed hundreds of patient records in the previous 12 months. The nurse met with, and was questioned by, human resources and denied ever having accessed information about patients she was not providing care to or having shared personal health information outside of the Hospital.

Despite her denials, the nurse was subsequently terminated on the basis of her violations of hospital policies and her lack of remorse for her actions. After her termination, the Hospital continued its investigation and found that she had inappropriately accessed information over the past 8½ years and that the privacy of over 1,300 patients had been compromised.

The Ontario Nurses' Association grieved the nurse's termination. The Arbitrator hearing the grievance was required to decide two issues: whether the Hospital had just cause to discipline the nurse and, if so, was the penalty of termination appropriate.

## THE DECISION

At the hearing, the nurse (grievor) maintained that she had professional reasons for accessing the patient records and denied that any of her accesses were unnecessary or



improper. The Association argued that the Hospital lacked just cause to discipline her based on a number of reasons, including that

1. the Hospital failed to properly educate staff on the confidentiality of health information and appropriate use of the electronic record; and
2. that the nurse was permitted to access the personal health information of patients she was not providing care to if such access was for educational purposes.

Although the Arbitrator commented that the Hospital had "failed in its responsibility to train and educate nurses," he ruled that nurses are required to be aware of, and inform themselves about, the requirements of privacy legislation, hospital policies, and the standards of their professional association. Essentially, "the grievor knew or ought to have known that she was violating the privacy rights of patients." The Arbitrator clarified that, based on the applicable privacy legislation and the professional standards imposed by the College of Nurses of Ontario, nurses must limit their access to the records of patients that they are caring for.

The Arbitrator concluded that the grievor had inappropriately and deliberately accessed a large number of patient records and that discipline was appropriate. In upholding the termination, the Arbitrator considered the large number of improper accesses (500+) which the nurse had made in the year prior to her termination and the fact that her actions also had a significant negative impact on the Hospital and its reputation. Lastly, he found that the grievor did not accept responsibility or show remorse.

## WHAT DOES THIS MEAN FOR YOU?

Nurses must ensure that they are aware of their obligations with respect to patient confidentiality and the appropriate access and use of electronic health records. If you are uncertain, contact your NBNU labour relations officer, NANB and/or Human Resources. This case should serve as a reminder to review policies pertaining to patient confidentiality and know in which circumstances you may or may not access patient records.

# CANADA'S NURSES AGREE: EDUCATION SHOULD BE A FUNDAMENTAL RIGHT

On November 2<sup>nd</sup>, Canada's nurses and labour leaders joined thousands of students from over 50 campuses in 36 cities across Canada for All Out November 2<sup>nd</sup> Day of Action, demanding universal access to education, education justice and public education for the public good.

In a show of solidarity, CFNU President Linda Silas joined hundreds of students in Ottawa, who rallied to fight the fees on Parliament Hill, and addressed the crowd with a message that education and healthcare should be for everyone – not just those who can afford it.

"Many respected leaders have argued that, 'education [and healthcare] should be a right, not a privilege.' This is a statement that I believe in whole-heartedly," said CFNU president Linda Silas. "The price tag attached to post-secondary education in this country is a barrier for far too many Canadians, and with the average education-related debt sitting at approximately \$28,000, or estimations of as high as \$40,000 for nursing students – this leads to a life of struggles, stress and sacrifice."

The Canadian Federation of Students (CFS) is calling for universal access to education, meaning that regardless of who you are, where you are born, your age or background – you should have the right to access higher education without the barrier of cost or fear of incurring debt. They are also calling for education justice for students being pushed out of the current model of colleges and universities today, who are disproportionately Indigenous, racialized, queer and trans, people with disabilities, people raised in single-parent homes and people from low-income families. Lastly, CFS takes the position that public education is a public good that society benefits from as a whole, and it must be funded as such; colleges and universities must be not-for-profit and not tailored to private interests.

"We must stand together on these issues and recognize the socioeconomic and financial barriers that directly impact access to essential health services like pharmacare and education in this country, among other challenges," said Silas. "We must work towards building a more inclusive, healthy,

educated and empowered Canada."

Another issue that the CFNU's national executive board has been tackling is the Canadian nursing licensing exam change last year to the U.S.-import NCLEX-RN exam. This change in the nursing licensing process to the NCLEX has had many impacts on nursing students, resulting in higher failure rates, increased costs and undue stress for students.

"We know that our Canadian nursing students are some of the most highly educated nurses in the world, yet due to issues with the exam students are spending thousands of dollars on top of already sky-high tuition fees to pay for additional prep courses and multiple re-writes," said Silas.

The CFNU continues to stand in solidarity with our affiliates at the Canadian Nursing Students' Association (CNSA) who represent nearly 30,000 nursing students across Canada on this issue.

"Nursing students already have extreme debt, approaching \$40,000 after completion of their degree," said CNSA President Bryce Boynton. "With our new licensing exam (NCLEX-RN) and the issues surrounding it, our debts continue to skyrocket. It is costing our new graduates thousands extra, furthering the financial burden of seeking a higher education in order to provide competent care for Canadians."

Canada's nurses are proud to stand in solidarity with students across this country, who passionately believe that at the core of a just, equitable and fair society is a system of public post-secondary education that is accessible to everyone. A key part of this vision is for the government of Canada to act on the internationally recognized right of all people to education.



*Rally on the Hill in Ottawa*

# ELECTIONS FOR EVEN NUMBERED LOCALS

According to the NBNU Constitution, all even numbered locals will hold elections within 120 days of the Annual General Meeting. Therefore, the deadline to hold the vote in your local is February 27, 2017. The term of office for local presidents and executive members is two years.

All local members elected to executive positions are directly supported by the provincial office through educational opportunities, assistance with local communications and financial support to operate the local.

Representing NBNU at the local level provides you with opportunities for personal growth and development of leadership skills. Get involved! Help shape your Union and your workplace.

If you have questions regarding the election process, please contact Jennifer Dickison, Research Officer, at 506-453-0839 or e-mail at [jdickison@nbnu.ca](mailto:jdickison@nbnu.ca)

Please inform Sarah Bonnar, Administrative Assistant, of the election results or status of your local by February 27, 2017, by e-mail at [sarah@nbnu.ca](mailto:sarah@nbnu.ca) or by fax: 506-453-0828.



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## PLEASE GIVE GENEROUSLY TO YOUR LOCAL FOOD BANK

Registered nurses know all too well the effects of poverty and hunger on health. The 2016 Hunger Count Report shows that since 2008, there has been an increase of 26.4% in food bank usage in New Brunswick.

That means a total of 19,769 men, women and children in our province must rely on food banks in order not to go to bed hungry.

Please remember those less fortunate in our communities. We can all help by supporting our local food banks now and throughout the year. Thank you.



*Nancy Arseneau presents food bank donations collected by members at the 42<sup>nd</sup> AGM.*