



An Employer's Duty to Report to the College of Registered Nurses of Manitoba

Purpose

The College of Registered Nurses of Manitoba (the "College") exists to serve and protect the public interest to achieve the outcome of accountable, quality, professional nursing practice. To that end, individuals and organizations who employ or contract an RN have a duty to report concerns about the conduct, competence, and fitness of an RN, to the College. These requirements are articulated in The Regulated Health Professions Act (the "RHPA"), as follows:

Section 168(1)

If a person:

- a. *employs or engages a member to provide health care on a full-time or part-time basis in any capacity including as an employee contractor or consultant, and*
- b. *suspends or terminates the employment or engagement of the member for misconduct, incompetence, or incapacity*

then that person must promptly report the suspension or termination to the council of the member's college and give the member a copy of the report.

Section 168(2)

If a hospital or regional health authority:

- a. *employs or engages a member as a member of its professional or medical staff; and*
- b. *suspends or terminates the employment or engagement of the member, or withdraws the member's privileges, for misconduct, incompetence or incapacity;*

then the hospital or regional health authority must promptly report the suspension, termination or withdrawal to the council of the member's college and give the member a copy of the report.

This document provides individuals and organizations who employ RNs with guidance about how to meet these requirements.

What Should be Reported?

RNs require specialized knowledge, skill and judgement in order to practice competently. In addition, RNs are accountable to laws, regulations, and practice directions. The College's Practice Directions: Practice Expectations for [RNs](#), [RN\(NP\)s](#), and [RN\(AP\)s](#), the [Code of Ethics for Registered Nurses](#), and the Entry Level Competencies for [RNs](#) and [RN\(NP\)s](#) provide a framework to review an RN's practice.

The College recognizes that when an employer has concerns about an RN's conduct, competence or capacity, they are in a unique position to manage those concerns through support, remediation, and internal performance management tools (such as performance improvement plans, written warnings, and suspensions). When an employer's performance management strategy involves **suspension** or **termination**, a report to the College is required.

If an employer has questions about if a report to the College is required, they are encouraged to:

- Use the [North Carolina Board of Nursing Complaint Evaluation Tool](#) to evaluate the conduct and practice that is of concern.
- Contact the [Manager of Professional Conduct](#) for consultation.

Report of RNs Who Resign, Retire, or Take a Leave of Absence

In circumstances when an RN resigns, retires, or goes on a leave of absence from their position amidst an employer's attempts to investigate, remediate, or manage concerns about conduct, competence, capacity, or fitness to practice, administrators, supervisors, and leaders should contact the College for guidance about their duty to report. Supervisors, managers, and directors who hold registration with the College, or any other professional regulator, are individually accountable to duty to report requirements. In most circumstances, a formal report from a supervisor is required to meet those practice requirements. For more information about an individual RN's duty to report, consult the College's [Duty to Report](#) document.

Report of RNs Employed or Contracted With a Nursing Agency

Section 168(2) of the RHPA requires organizations to report suspension or termination of "engagement" of the member. As such, if an organization chooses to suspend, terminate, or prematurely end a contract with a registrant practicing with a nursing agency because of misconduct, incompetence, or incapacity, the organization must immediately report the suspension or termination to the College.

How is a Report Made?

Employers who report RNs suspended or terminated for professional incompetence or professional misconduct are required to promptly submit, in writing, the grounds of the alleged incompetence or misconduct. For more information on professional misconduct or professional incompetence please refer to the College's [Discipline Definitions](#) document.

When reporting a **suspension** to the College, the employer should include:

- details regarding the conduct or practice that led to the suspension;
- a copy of the suspension correspondence sent by the employer to the RN;
- a description of any performance improvement indicators required of the RN; and
- details of any subsequent follow up with the RN.

When reporting a **termination** to the College, the employer should include:

- details regarding the conduct or practice that led to the termination (e.g. information/documentation regarding any previous conduct issues, any process/policy documents relied on and copies of any relevant client health records);
- a copy of the termination correspondence sent by the employer to the RN; and
- a summary of the employer's investigation.

Reports should be made immediately following the suspension or termination.

Resources

[Canadian Nurses Association. \(2017\). Code of Ethics for Registered Nurses.](#)

[College of Registered Nurses of Manitoba. \(2022, December\). Practice Direction: Practice Expectations for RNs](#)

[College of Registered Nurses of Manitoba. \(2024\). RN Responsibilities Related to Professional Practice Issues.](#)

[College of Registered Nurses of Manitoba \(2018\). Discipline Definitions.](#)

[Government of Manitoba. \(2024\). The Regulated Health Professions Act.](#)

[North Carolina Board of Nursing \(2024\). Complaint Evaluation Tool \(CET\).](#)

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For more information please contact our professional conduct team at

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Our publications are available on our website at www.crnmb.ca