

# Bill 46: Frequently Asked Questions For Health Care Aides

Bill 46, the *Health Statutes Amendment Act*, passed into law in the last legislative session. We know members working as Health Care Aides have a lot of questions so we've tried to answer them here. As always, if you've got any additional concerns or questions, please reach out to AUPE's Members Resource Centre at 1-800-232-7284 (Monday to Friday, 8:30 am to 4:30 pm) or send an [e-mail here](#). We'll connect you with someone who can help.

## **Did AUPE ask the government to regulate Health Care Aides?**

No. AUPE is concerned that the regulation of Health Care Aides (HCAs) without extensive consultation with them and the unions that represent them may have negative professional and financial consequences for HCAs. The fact that the government was more focused on pushing this legislation through as our members and the entire province were pleading with them to deal with shockingly high rates of COVID-19 has us extremely concerned about their sense of priorities around health care.

## **Did the government seek the union's input before tabling the legislation?**

AUPE was invited to comment on the College of Licensed Practical Nurses of Alberta (CLPNA)'s application in August. Given a deadline of less than three weeks, we submitted a brief in September. We were not aware at the time the government intended to introduce legislation in the last session and we question the urgency. At a time when HCAs and other health care workers are already overburdened, we question why the government would impose a new regulatory regime, which may increase the time and financial pressures these workers already face.

## **Is the union opposed to regulation of Health Care Aides?**

AUPE has no problem with the regulation of the Health Care Aide profession, although we did not ask for it.

AUPE supports and advocates for the safety of patients, that is why we have always called for increased funding to health care and opposed privatization of the sector. Our main concern is that the regulation could impose additional financial burdens on HCAs who are among the lowest paid workers in the health care sector.

## **It took years to implement the regulation of Licensed Practical Nurses (LPNs); just what is the rush to do this right now at this time?**

We question why the government thinks that embarking upon such a massive undertaking in the middle of a pandemic is a good idea. HCAs are literally on the frontline of caring for the folks who are most vulnerable to this virus.

## **I am enrolled in the Health Care Aide Directory. Will I have to re-register with the CLPNA?**

No. If you are enrolled in the Health Care Aide Directory, the legislation says you will automatically be registered and deemed to have been issued a practice permit by the registrar of the College of Licensed Practical Nurses and Health Care Aides of Alberta. The regulations required for this transition to take place have not yet been developed by the government. We'll let you know as soon as they are.

## **Has the CLPNA consulted with AUPE about this change?**

Aside from the request from the government for us to comment on the CLPNA's application, there has been no request for further consultation. We are concerned that the CLPNA may be working

on regulations to govern the Health Care Aide profession without speaking directly with HCAs or the unions that represent them. Given the number of HCAs AUPE represents (filling as many as 16,000 positions), we expect that the CLPNA will work with AUPE to engage in broad consultation with our members to discuss how this regulation should be put into practice.

## **Is it going to cost me more to work as a Health Care Aide in Alberta?**

AUPE is concerned that the current fee schedule provided by the CLPNA identifies application fees and practice permit fees that we feel are out of line with HCA's income and could cause financial hardship. For example, the Renewal of Practice Permit fee is proposed to be \$550.00 and the appeal or review of a registration decision will cost \$750.00. That's an awful lot of money to come up with for folks making \$20/hr.

We are just as concerned about the steepness of penalties set out in the legislation regarding restricted activities, which could see health care workers fined up to \$5,000 for a first offence. While AUPE and our members always put patient safety first, it is important that regulations not place overly burdensome conditions on workers.

We strongly encourage the CLPNA & the government to work with AUPE and other unions representing HCAs to ensure workers receive the training and education they need to fulfill the requirements of this new regulation.

We have concerns with the alternative complaint resolution process set out. It's not clear if the union would be involved in this process, which could significantly impact the livelihoods of our members. There is a potential that this process could impact the grievance process set out in collective agreements and this is another area in which we invite the CLPNA to consult with AUPE and its members.

## **I have heard that I may now have to pass an English Proficiency Test. Is this true?**

The legislation does include a section about evidence of English language proficiency. With no clear definition of what evidence of English proficiency might be required, we have concerns that this change might leave members open to arbitrary discrimination.

We are concerned that this new requirement may overlook the importance of workers who are able to converse with patients in many languages, even if English is not their strongest. We call upon the provincial government to commit funding to help those workers obtain the required English language proficiency.

We will update you as more information comes available.