

SECTION THREE: THE LEGISLATIVE FRAMEWORK

INTRODUCTION

ACTIVITY: Lecturette

TIME: 10 min.

LEARNING OUTCOME: Participants will understand that there are three main pieces of provincial legislation that affects their work:

- The Regulated Health Professions Act
- The Health Care Consent Act, and
- The act which governs their particular profession

DESCRIPTION:

Use the lecture notes and overheads to guide your lecture.

THE LEGISLATIVE FRAMEWORK: LECTURE NOTES

Introduction

- Remind participants that being a member of a regulated profession means that there are laws governing the conduct and responsibilities of members of that profession. These laws are designed to protect the public.
- Explain that it is the responsibility of members of a particular profession to know and understand the laws that relate to that profession.
- Place Overhead 5 on the projector.
- Explain that there are two levels of government – federal and provincial – which have some role in the professions, especially with respect to the foreign-trained.
- Review the overhead, explaining the roles of various ministries, as follows:

FEDERAL MINISTRIES

Citizenship & Immigration Canada (CIC)

Responsible for legislation and policy governing immigration to Canada. Some potential immigrants are awarded “points” based on their occupation. The federal government is assuming that because your occupation is in demand here in Canada, you will integrate easily into the economy. The fact that this is not always true is being debated at the federal level and may result in changes to immigration policy.

Note that some participants may have undergone an “assessment” of their professional status as part of the immigration process. Explain that this assessment is not binding – that is, it does not mean that you are guaranteed a license to practise in Ontario.

Human Resources & Skills Development

This is the ministry that deals with Employment Insurance and provides information and resources to jobseekers – most recently through Employment Resource Centres. Beyond that, however, HRSD has no direct role in the regulated professions.

Health Canada

Health Canada is the federal department responsible for administering the Canada Health Act. In partnership with provincial and territorial governments, Health Canada provides national leadership to develop health policy, enforce health regulations, promote disease prevention and enhance healthy living for all Canadians.

This ministries’ mandate includes maintaining Canada’s world-renowned health insurance system. Each province and territory administers its own health care plan with respect to the five basic principles of the Canada Health Act.

THE LEGISLATIVE FRAMEWORK: LECTURE NOTES

PROVINCIAL MINISTRIES

Ministry of Training, Colleges & Universities: The *Constitution Act* gives exclusive authority to each province in Canada to make laws in relation to education. In Ontario, the Ministry of Education and the Ministry of Training, Colleges and Universities are responsible for the administration of laws relating to education and skills training. **Some of their responsibilities include:**

- developing policy directions for adult education and labour market training
- setting standards for occupational training, particularly for trades under the *Trades Qualification and Apprenticeship Act*
- managing provincial programs to support workplace training and workplace preparation, including apprenticeship, career and employment preparation, and adult literacy and basic skills
- undertaking labour market research and planning
- undertaking initiatives to improve access to the professions and trades through the Access to Professions and Trades Unit

Ministry of Health and Long-Term Care

This ministry developed the legislation that governs the health professions. Three acts apply to all health professions:

- *The Consent to Treatment Act*: defines “consent”, i.e. what a patient agrees to undergo
- *The Substitute Decisions Act*: defines who can make decisions for a patient
- *The Regulated Health Professions Act*:
 - Defines the health professions and the regulatory bodies
 - Defines “controlled acts” – i.e. procedures that only members of certain health professions can perform
 - Outlines who can use professional titles
 - Outlines requirements for giving information to patients
 - Describes professional misconduct and penalties for misconduct

Each profession also has its own specific act.

The Ministry of Health and Long-Term Care delegates responsibility for administering these regulations to the Occupational Regulatory Bodies, or “colleges”. That means that the ORBs, **not the government**, are responsible for:

- Setting entry and training requirements
- Registering qualified applicants
- Setting standards of practice
- Disciplining members
- Assessing qualifications and credentials

THE LEGISLATIVE FRAMEWORK

