

Recognize Violence. Report it.

UNSAFE WORKPLACES HURT PATIENTS TOO

ONA Joint Health and Safety Committee Responsibilities

Know and exercise the significant legal powers and functions of the Joint Health and Safety Committee (JHSC) in the *Occupational Health and Safety Act (OHSA)* (Section 9, etc.). Many of you also have extra health and safety provisions in your Collective Agreement.

Your JHSC can identify violence hazards and make recommendations to your employer, which is duty-bound to at least listen and consider. By law, the employer only has 21 days to respond in writing to a written recommendation from the committee or co-chair (*OHSA* sec. 9 (20)). Don't let your employer delay attention to health and safety hazards and concerns. As you move forward, remember to:

1. DOCUMENT, DOCUMENT, DOCUMENT

- Take notes of conversations with workers, supervisors (N.B., your “supervisor” is your “manager”), the employer and the Ministry of Labour (MOL).
- Ensure proper minutes are taken of JHSC meetings and posted in the workplace (*OHSA* Sec. 9 [22]).
- Record inspection and investigation findings and observations of MOL visits. (Your observations will be especially important if we appeal any MOL decisions (*OHSA* Sec. 61) and/or file grievances).

2. EMPOWER WORKER MEMBERS

- Consider being a worker co chair. (*OHSA* Sec. 9 [11]).
- Ensure at least one worker member of the committee has certification training (*OHSA* Sec. 9 [12]).
- Ask your Bargaining Unit President to write the employer requesting certification training of all ONA JHSC members. (ONA's Hospital Central and other Collective Agreements require the employer to certify members if requested by the Union in writing, e.g. Article 6 [ix] – Hospital Central Agreement. Ask your Bargaining Unit President to file a grievance if the employer resists.)
- Remember, ONA also has education modules available to supplement worker certification training.

3. THE RIGHT TO PARTICIPATE: REMEMBER WORKERS ARE EQUAL PARTNERS ON THE JHSC. RESIST EMPLOYER ATTEMPTS TO CONTROL THE COMMITTEE

- Workers get at least an hour of paid time to prepare for meetings. (*OHSA* Sec. 9 [34] [35]). Use that time to cooperate with all worker members from ONA, other unions and unorganized groups, to review evidence of hazards (e.g. accident/illness reports) and prepare and present agreed upon recommendations.
- Attend all committee meetings (*OHSA* Sec. 9 [34]), conduct all your inspections (*OHSA* Sec. 9 [26-28]) and exercise the worker's right to be present for testing (*OHSA* Sec. 9 [18] [f] and 11). When you cannot attend or inspect, ensure an alternate takes your place. The employer must facilitate your participation (*OHSA* Sec. 25 [2] [e]).
- Your committee is entitled to be consulted about health and safety policies, measures, procedures, programs, training and equipment (*Health Care and Residential Facilities Regulation [HCRFR] Sec. 8 and 9*).
- Don't let the employer stack the meeting with their members. Don't let the meeting start until at least half in attendance are worker members. (*OHSA* Sec. 9 [7]).

- ❑ Expect timely attention to identified hazards and recommendations. Don't let serious issues be deferred to subsequent meetings. **Escalate unresolved health and safety concerns as high as necessary with management at your workplace, and with union leadership, as quickly as necessary to protect workers.**
- ❑ Section 62 (5) of the *OHSA* prohibits knowingly interfering with a committee member in exercising their legal powers and duties (including the worker DUTY to inspect (*OHSA* Sec. 9 [26])). Don't hesitate to point out the obstruction section of the law.

4. COMMITTEES HAVE THE RIGHT TO KNOW

- ❑ Your employer is required by law to facilitate your efforts (*OHSA* Sec. 25 [2] [e]) and to provide you with all information you need to exercise your powers and perform your duties and functions (e.g. *OHSA* Sec. 9 [18] [d-f], 11, 12, 25 [2] [i], 51-53 and *HCRFR* Sec. 5).
- ❑ **Specifically with respect to violence hazards**, your committee is entitled to copies of workplace accident reports and violence risk assessments and re-assessments (*OHSA* Sec. 32.0.3 [3], 51-53 and *HCRFR* Sec. 5). See: http://www.ona.org/documents/File/healthandsafety/ONA_Guidance_ReportingInjuries.pdf).
- ❑ Your Collective Agreement may require your employer to report all incidents of violence.

5. CALL THE POLICE and/or the MOL (see Tips for Calling the Ministry of Labour about Violence)

- ❑ Remember to **escalate unresolved health and safety concerns as high as necessary as quickly as necessary to protect workers**. If there is time to consult your Bargaining Unit President/Labour Relations Officer (LRO), do so. But especially with violence hazards, time is of the essence. When your JHSC fails to get the employer to take every precaution to protect workers from violence, or there is no time for committee involvement, don't hesitate to call the police if the danger is imminent. Also call the MOL at **1-877-202-0008** for advice, assistance and/or enforcement of the law to protect workers from harm. Supply the MOL with evidence of your concern.
- ❑ ONA expects the police and the MOL to respond promptly to unresolved threats of violence in our workplaces. If the police and/or the MOL do not respond appropriately, contact your Bargaining Unit President/LRO immediately. Remember, if our issue is urgent, we must act like it is urgent. ONA has your back and will escalate unresolved violence concerns as high and as quickly as necessary to protect workers.
- ❑ We only have 30 days from the date of an MOL decision to appeal that decision (*OHSA* Sec. 61). Contact your Bargaining Unit President as soon as anyone from the MOL makes a decision, verbally or in writing, that you believe will not protect workers. Use the "Get the Evidence to Support Enforcement and Appeals" tool in your tool box to guide you in collecting the evidence.
- ❑ Only an MOL inspector can determine compliance with an order (*OHSA* Sec. 59 [4]). Don't succumb to employer pressure to sign a "compliance notice" if you are not certain or don't believe there is complete compliance with a ministry order. You are not obliged by law to sign any compliance notice (*OHSA* Sec. 59 [2]). Remember, inspectors are busy too. They will not likely return to the workplace to see if an order is met if the worker member of the committee signs a compliance notice.

Depending on circumstances, a worker may exercise the right to refuse unsafe work. That individual right is restricted for many health care workers, and must be exercised with caution (See the document *My Right to Refuse Unsafe Work: A Guide for ONA members* at: http://www.ona.org/documents/File/guides/Guide_MyRightToRefuseUnsafeWork_201010-English.pdf).

Calling the MOL with a formal complaint may pre-empt the need for an individual to take the extraordinary measure of refusing work. If you have any questions please speak to your Bargaining Unit President and/or LRO. Keep them informed of unresolved issues.