

# Recognize Violence. Report it.



UNSAFE WORKPLACES HURT PATIENTS TOO

## Calling the Ministry of Labour (MOL) about Violence

### Tips for ONA Bargaining Unit Presidents and Joint Health and Safety Committees

1. Workers are required by law to report all violence hazards/concerns to their supervisor/employer (N.B., “supervisor” is your “manager”).
2. If the supervisor/employer (N.B., “supervisor” is your “manager”). does not resolve the concern, escalate unresolved violence concerns as high as necessary (with your workplace management and union leadership), as quickly as necessary to protect workers.
3. If the hazard is imminent, and/or has not been resolved in the workplace, the MOL (and if imminent danger, the police) should be called.
4. Please ensure whenever possible, that the issues raised with the MOL have previously been brought to the attention of manager(s).
5. Depending on circumstances, the worker may exercise the right to refuse unsafe work. That individual right is restricted for many health care workers, and must be exercised cautiously. (See *My Right to Refuse Unsafe Work: A Guide for ONA Members* at: [http://www.ona.org/documents/File/guides/Guide\\_MyRightToRefuseUnsafeWork\\_201010-English.pdf](http://www.ona.org/documents/File/guides/Guide_MyRightToRefuseUnsafeWork_201010-English.pdf)). Calling the MOL with an official complaint may pre-empt the need for an individual to take the extraordinary measure of refusing work.

#### Who makes the call?

While anyone may call the MOL (and/or police), when possible, let the Joint Health and Safety (JHSC)/Bargaining Unit President lead.

#### Bargaining Unit Presidents/JHSC members

When your employer resists taking every precaution to protect workers from violence, and/or when there isn't time for full committee involvement, don't hesitate to:

- Call police if the danger is imminent.
- Call the MOL for advice, assistance and/or enforcement of the law to protect workers from harm.
- Be ready with details and evidence to support the concern.

#### File a Grievance?

Where appropriate/available, file a grievance. However, using the law (*Occupational Health and Safety Act [OHSA]*) and the MOL *should* generate a quicker response that might save someone from injury/illness.

#### Make your call effective

- Document time/date/location/names of those involved in the call, details and evidence you provide, and the MOL response.

#### The call:

- a. Dial the MOL call centre at **1-877-202-0008**  
Provide details of the hazard.  
If the danger is imminent – say so and demand an inspector attend immediately.

- b. Supply the MOL with evidence of your concern, e.g. witnesses, and details of the employer/supervisor (N.B., “supervisor” is your “manager”) failure to take precautions to prevent injury. Furnish specific suggestions for resolving the concern.
- c. Ask the MOL officer for a file number and when to expect an inspector to call back.
- d. 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/Labour Relations Officer (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.

### **The inspector is here, now what?**

- Give the inspector all available and potential evidence of the hazard, the concern, failure of employer to take all reasonable precautions, as well as specific suggestions for protective measures, procedures, equipment and training.
- Ensure all worker members of the JHSC are aware of all the issues, evidence and suggested solutions, and of the need to put it all before the MOL inspector. A JHSC worker member is entitled to accompany the inspector, but ONA doesn't always control the selection of who that will be (*OHS*A Sec. 54 93)).
- Anyone who has contact with/accompanies the inspector should take detailed notes.
- Expect the inspector to leave a written report, with or without orders. Send a copy to your LRO immediately, indicating if and how the inspector's decision is inadequate to protect workers. We have only 30 days from the date of an inspector's decision to appeal.
- Following the inspection, confirm concerns and solutions raised during the inspection in a fax to the inspector. (The fax number usually appears on the inspector's report.)

### **Unsatisfactory MOL Decision**

When **not satisfied with an inspector's decision**, work with your LRO to assist in the Union's efforts to raise the issue within the MOL/government as high as necessary and as quickly as necessary to protect a worker (e.g. MOL manager, director, Assistant Deputy Minister, Deputy Minister, Premier).

With your LRO, consider appeal of inspector decisions (**30-day time limit**) as appropriate. Use the “Get the Evidence to Support Enforcement and Appeals” tool in your tool box to guide you in collecting the evidence.

**See Appendix A – Sample Script when calling MOL.** Tailor to your needs, situation and set of facts.

## Appendix A

### Sample Script when calling MOL:

"I am calling because of an assault against xxx worker (s) that occurred today at xxx employer, in xxx city, in xxx unit, at xxx time. I believe my employer is not taking every precaution reasonable in the circumstances for the protection of a worker as required by the *OHS*A and its Regulations.

I believe the incident and effects would have been prevented if the employer had appropriate control measures, procedures and training in place before the assault. We need you to send an inspector to our workplace to enforce the *OHS*A, by issuing orders and/or laying charges."

**(NB: Specify control measures, procedures and problems that should be addressed.)**

e.g. "We think there is evidence that:

- Workers don't have sufficient means, like personal panic alarms, to summon immediate assistance when faced with danger.
- There isn't an adequate system to alert all workers at risk, of a patient with a history of violent behavior.
- We don't have enough staff and security presence to protect workers from threat of violence in our circumstances.
- Workers aren't trained properly on all measures and procedures, such as safe restraints application and safe take-down of a violent patient.
- The union and committee aren't getting proper notice of accidents.
- Our employer refuses to share findings of violent incident investigations.
- Our employer does not reassess the risk of violence to workers when they know a unit is short-staffed or when patient acuity and behaviours rise."