



ONA Equity Bulletin

News Bites from the Human Rights and Equity Team

ONTARIO NURSES' ASSOCIATION

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DID YOU KNOW?

DIVERSITY FACTS

ONA's membership reflects the ethno-racial diversity of Ontario's population. People of colour account for approximately 19 per cent of the total population and 18 per cent of the total workforce. In nursing, there are a growing number of nurses immigrating to Canada, predominantly from the Philippines, India, Russia, China and the United States.

Save the Date!

**Human Rights and Equity Caucus meeting
November 13, 2007**

ONA's Human Rights and Equity Caucus meeting will be held on Tuesday, November 13, 2007 at the Royal York Hotel in Toronto. This year's themes are the accommodation of family responsibilities in the workplace and the prevention of workplace bullying.

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A Message from ONA's Vice President Human Rights and Equity Team

ONA's Board of Directors has recently amended the mandate of the provincial Human Rights and Equity Team, based on feedback from the team, Local Coordinators and Bargaining Unit Presidents regarding ONA's vision for moving human rights and equity issues forward for our members.

The amended mandate will strengthen the team's ability to assist the Board to develop strategies to meet ONA's membership outcomes.

The Board has also amended the composition of the team to reflect the current way in which other ONA membership teams function. This includes welcoming Enid Mitchell, Manager of the North District Service Team (NDST), and Ester Gagliano, Labour Relations Assistant (LRA), who will be supporting our team's work.

I would like to thank departing members Marywynne Parke, Esi Codjoe, Jill Allingham and Sophia Ruddock for their hard work and commitment on behalf of ONA's 53,000 members!



From left to right, back row: Eric Drouin, Sophia Ruddock, Noelle Andrews, Esi Codjoe, Nadine Novak, Diane George, Barb Porter, Andy Summers. Front row: Karen Sandercock, Jill Allingham, Marywynne Parke.

OHRC: Workplace discrimination based on family status

Although the *Ontario Human Rights Code* has prohibited discrimination on the basis of family status since 1982, this ground of discrimination has been little understood. Employers, service providers, landlords, advocates and the general public are largely unaware of the Code protections related to family status, or of the issues and barriers related to this ground of discrimination.

Under the Code, persons in a parent-child relationship have a right to equal treatment in the workplace. This means that employers cannot discriminate in hiring, promotion, training, benefits, workplace conditions or termination of employment, because a person is caring for a child or parent.

The relationship between caregiving and work has become increasingly complex. Changing demographics, such as the increase in lone parent families, the mass movement of women into the paid labour force, and growing needs related to eldercare, have placed new demands on caregivers. At the same time, workplace demands have intensified, as Canadians are working longer hours on average, and are increasingly engaged in part-time, contingent and temporary work.

These difficulties can be exacerbated by the lack of social supports for families, such as adequate childcare, eldercare and disability supports. Workplace structures and expectations have generally not adjusted to this new

reality, with the result that workers with caregiving responsibilities find themselves under significant stress. Because women continue to bear the majority of responsibility for caregiving, this situation has a disproportionate impact based on sex.

In May 2007, the Ontario Human Rights Commission released two new reports on family status. *The Cost of Caring*, the Commission's Consultation Report, reports on what the Commission heard, identifies significant systemic and societal barriers facing caregivers, sets out key conclusions, and outlines the Commission's own commitments moving forward.



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The *Policy and Guidelines on Discrimination because of Family Status* details the Commission's interpretation of the provisions of the Code related to family status, and sets standards for how employers, service and housing providers, and policy makers should act to ensure compliance with the Code. The Commission hopes these documents will raise awareness about the im-

portance and impact of these issues, encourage further discussion and provide a resource for the community in advancing the rights under the Code related to family status.

ONA will be providing education on the employer's duty to accommodate family status at this year's Human Rights and Equity Caucus meeting on November 13, 2007. ONA members are encouraged to

bring forward questions concerning family status issues to their Labour Relations Officer (LRO).

For further information or copies of the Commission's documents on family status, please visit the Commission's site at www.ohrc.on.ca, or call (toll-free) 1-800-387-9080, (416) 326-9511 in Toronto, 1-800-308-5561 (TTY toll-free) or (416) 314-6526 (TTY Local).

CFNU adopts position statements on human rights issues

Last year, the Canadian Federation of Nurses Unions (CFNU) passed an important resolution brought forward by ONA that the CFNU would adopt a position statement on racism and racial discrimination in the workplace. In February 2007, the CFNU adopted the following position:

The CFNU is committed to eliminating racism and racial discrimination in the workplace and urges its member unions to take actions in areas including but not limited to the following:

- Membership education.
- Staff anti-racism training.
- Joint education initiatives with nursing organizations and hospital/health care associations.

- Strategic collective bargaining to include or improve anti-discrimination and anti-harassment clauses and to include pro-active anti-racism programs.
- Urging employers to develop or improve anti-discrimination and anti-harassment policies and procedures.
- Urging employers to identify systemic issues and barriers in the workplace and develop effective policies and procedures for their elimination.
- Support mechanisms for individuals facing racism in the workplace.

The CFNU also adopted positions statements on "Psychological Violence in the Workplace" and "Respect and Dignity."

Arbitration decision Update

ONA & St. Joseph's Health Care Centre, Toronto - (Decision of Arbitrator Brian Keller, May 17, 2007) – policy grievance.

The original arbitration award from December 2002 required the employer to revise its mandatory Return to Work Form. It was entitled to be satisfied of the employee's fitness to work, but not necessarily entitled to the kind of questions asked such as diagnosis. The arbitrator remained seized, while the parties had further discussions.

The employer and ONA were unable to agree on the changes to the form the award required, and therefore returned to the arbitrator for implementation of his decision.

Arbitrator Keller disallowed questions on the form which indirectly call for information about diagnosis: primary and secondary symptoms and the main cause for the patient's illness/disability. He similarly restricted questions regarding clinical findings of a specialist, active treatment and medications to conditions affecting the employee's performance of her job.

The employer's only legitimate concern in these areas is where safety is a concern in the view of the employee's physician.

ONA members identify their accommodation needs

In the recent Cultural Research bargaining survey, ONA members were asked to identify their accommodation needs:

Overall % of members with accommodation needs in the following areas:

Disability	18
Family status	24
Religion	10

Overall % of members whose needs are being met by the employer:

Disability	71
Family Status	44
Religion	63

Send us your feedback!

The Human Rights and Equity Team would like to hear what's going on at your bargaining unit or local and how we can provide support or assistance. Contact us at: HumanRightsAndEquityTeam@ona.org.