Revised DECEMBER, 2006

Position Statement

OBJECTION TO WORK ASSIGNMENT FOR RELIGIOUS REASONS

In accordance with the collective agreement and the *Human Rights Code*, the Ontario Nurses' Association supports the right of its members to object to work assignments for *bona fide* religious reasons and to be accommodated in the workplace. ONA will file grievances where members are forced to accept work assignments that conflict with their religious beliefs.

Procedure

A member who objects to a work assignment for religious reasons should make a written request to the employer for accommodation and specify that their request is on the basis of religious grounds. The member should notify an ONA representative that the request has been made. These situations should also be discussed by the Association-Agency Committee (or its equivalent). The employer must take all necessary steps to accommodate employees up to the point of undue hardship. The employer and ONA must consider the range of accommodation possibilities and if necessary may need to waive certain provisions of the collective agreement in order to implement an accommodation (e.g. scheduling provisions). If a member can not be accommodated in his/her position or on his/her unit without undue hardship, then a transfer to a vacant position may be necessary.

ONA recommends that members do not refuse a direct order to carry out assigned work for religious reasons, since such a refusal could be classified as workplace insubordination. Additionally, a member could be reported under the *Regulated Health Professions Act* where it was previously alleged that the refusal constituted abandonment of a client/patient/resident. Therefore, ONA recommends that members follow the principle of "obey now and grieve later" to ensure that the client/patient/resident is protected and that the member has a fair hearing on the right of religious accommodation, rather than whether discipline was for just cause.

Where a member is disciplined by his/her employer because of a refusal of a work assignment for religious reasons, a grievance may be filed. Each situation will be evaluated on an individual basis, taking into account whether or not the employer could have accommodated the request. Where a member is reported to their regulatory college, the LEAP program is available. A member may also consider filing a Human Rights Complaint against the employer. ONA's role in such a complaint will be that specified in Policy 14.4.

THE ONTARIO NURSES' ASSOCIATION IS THE UNION REPRESENTING REGISTERED NURSES AND ALLIED HEALTH PROFESSIONALS WORKING IN HOSPITALS, LONG-TERM CARE FACILITIES, PUBLIC HEALTH AND COMMUNITY AGENCIES, INDUSTRY AND OTHER SETTINGS ACROSS ONTARIO.