

Position Paper

Personal Conflict in the Workplace

In accordance with our Statement of Beliefs, the Ontario Nurses' Association believes that it is the right of all members to work in an environment that promotes dignity and respect for everyone.

The Employer has the ultimate responsibility to maintain a harassment free environment-this covers all forms of harassment and not just Human Rights Code violations. The vast majority of ONA Collective Agreements prohibit both harassment based on prohibited grounds under the Code and also personal harassment unrelated to any of the prohibited grounds.

Personal harassment is prohibited under the "Anti-Discrimination" or "No-Discrimination" clause (Article 3.03 of the Hospital Central Agreement). Although there is no explicit reference to "personal harassment", personal harassment is an implicit term in the clause that prohibits "discrimination...on the basis of any factor that is not pertinent to the employment relationship". The courts have recognized that "harassment" is a form of "discrimination", therefore it can be argued that harassment based on any factor not pertinent to the employment relationship is prohibited by the Collective Agreement.

ONA Policy 14.5 can be invoked when a member believes that another member has harassed or discriminated against him/her contrary to the Human Rights Code. Policy 14.5 is not designed to resolve personal conflicts that may develop between staff in the workplace.

How Can Members Address Personal Conflict in the Workplace?

A. EMPLOYER POLICIES

Members should be encouraged to utilize any employer policy or program dealing with personal harassment by another staff member. In the event an Employer does not currently have such a policy, they should be encouraged to develop one (ie at an Employer-Association Meeting).

In some cases the Union may recommend certain mediators/facilitators that the employer may want to use to try to resolve such personal conflicts between staff. Such mediator/facilitator should be paid for by the employer.

Members should have a Union representative present when attending any meeting with the Employer pertaining to a personal harassment complaint.

B. GRIEVANCE PROCEDURE

Members may also wish to file grievances in the following situations:

1. Grievances may be filed by a member who feels that the employer has not taken the appropriate steps to resolve the conflict.
2. Grievances may also be filed if a member is disciplined without just cause because of alleged harassment against another staff member (ie if the member was innocent or the punishment was too severe).

In either of the above two scenarios the Union can be faced with having to represent two members who are in conflict with each other. The Union would have to assess the merits of the grievance(s) before deciding whether to pursue such grievance(s) through the arbitration process. In order to make this determination, the Union has in the past employed a neutral investigator (ie an LRO from another District Team).

ONA recognizes that personal conflict in the workplace is a concern and is directly related to workplace stress and workload - conditions that ONA is attempting to improve through collective bargaining and political lobbying. For maximum benefit to our membership, ONA has designated our current resources into administering the collective agreement and to resolving harassment under the Human Rights Code via Policy 14.5.

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THE ONTARIO NURSES' ASSOCIATION REPRESENTS MORE THAN 46,000 FRONT LINE REGISTERED NURSES AND ALLIED HEALTH PROFESSIONALS THROUGHOUT THE PROVINCE.