Bob Frey is a Registered Nurse at Grand River Hospital in Kitchener and one of ONA’s longest serving Bargaining Unit Human Rights and Equity Representatives. Bob provides us below with an inside look at his role, at what he has learned in the last decade and a half, and his tips for success in human rights and equity work at the Bargaining Unit level.

Congratulations, Bob, on serving 16 years as a Human Rights and Equity Representative! How did you get started?

Human rights education and advocacy always interested me since I’m member of a designated group that can suffer harassment and discrimination in the workplace. In 2000, long before Bill 168 was passed in Ontario, my employer was proactive in implementing a policy on Human Rights & Workplace Relations. I was chosen to develop this policy alongside a Nurse Administrator and a Clinical Psychologist. During this time, I was approached by the ONA Bargaining Unit leaders to be the first HR&E Rep and

I would have to say I kind of “fell into” the role. I then assumed an elected position on the Local Executive/Bargaining Unit leadership team and I’ve been acclaimed every two years since.

Why have you continued to volunteer for the position?

I’ve always felt that our members struggle enough due to very heavy workloads and staff shortages. And I have found it can be very rewarding to assist members when they are confronted with issues of harassment or discrimination.

What are the first steps you take to address human rights issues?

Our employer has a very extensive “Workplace Relations” policy which I helped develop. This policy provides clear guidelines on how to report a human rights issue in our workplace. Most of our members will contact me when they have an issue. I talk with them and gather the facts. If there are grounds for a complaint, I inform my ONA Bargaining Unit President and Grievance Committee Chairperson, and then take the issue forward to our Human Resources representative for investigation.

How do your members contact you?

Our ONA Bargaining Unit has an internal phone number at our facility where members can call and leave messages. I don’t have a specific line for members to leave messages but they know they can leave a message on the presi-
dent’s line or the general inquiries line and it will be passed on to me. I call and speak to members, but I do not take an issue forward until a member provides me with written documentation, usually by emailing me.

I always stress to our members, “Document! Document! Document!” It is important that members record the dates, times and locations of any confrontations or incidents. Identifying witnesses and documenting how an incident made a member feel at the time and on a go-forward basis is important. All of this information is extremely useful during an investigation.

What if the complaint concerns another ONA member?
In complaints where there is a “member-to-member” issue, I will represent the member with the complaint. The respondent will be represented by another ONA Rep.

In some instances we get to the point in the investigation where the employer asks if the complainant and respondent will agree to a mediation process to resolve the dispute. Where the parties agree to mediation, ONA usually insists that the employer hire an outside, third-party mediator as opposed to a person appointed from within the employer’s organization. From time to time, internal mediators have been used in uncomplicated cases with some success. My role has been to represent the member during the mediation meeting, which includes providing support, recording detailed notes and ensuring the meeting is conducted appropriately.

What about filing grievances?
When I take an issue forward to our Human Resources department, I always “reserve the right to grieve” as some issues may take some time to investigate and can fall outside the time frame for filing a grievance. Several issues have proceeded to the grievance stage over the years. Once that happens I turn the issue over to our Grievance Chairperson, who deals directly with the member, while I continue to act as a resource through the grievance and arbitration process.

You have approximately 1,000 members in your Bargaining Unit. How do you communicate with them?
In our Local newsletter I usually write an article pertaining to human rights and equity issues. I attend all of our general meetings and give a report to our members at each meeting. I usually tell the members at the meetings what types of issues I am dealing with, but I keep it generic to ensure confidentiality.

How do you ensure ONA members know how to contact you?
I have a small flyer on several Union bulletin boards in our facility that lets members know how to contact me if they have an issue. Also, my contact information is posted on our Local 139 website and in our Local newsletter issued three times a year.

Does your workplace have a Human Rights and Equity Committee?
Ideally, a committee would be great. It’s a matter of getting enough members interested and involved, which hasn’t happened yet. I’ve dealt successfully with our members’ human rights issues with the support and assistance of our Bargaining Unit President and Grievance Chairperson. I’m encouraged to learn that committees are being established in other ONA workplaces, for example by members of ONA Local 9 at Niagara Public Health Unit.

What education is helpful in your role?
I strongly recommend that ONA Reps complete the Human Rights education workshops provided by our provincial Union. These provide a solid foundation for understanding employees’ rights and responsibilities under the Human Rights Code and how to represent our members. I’ve attended the HR&E Caucus every November in Toronto and
I find this to be a very informative event. There are great education sessions and the chance to connect with other HR&E Reps from around the province. I’ve also listened to Human Rights Teleconnects (i.e. presentations by teleconference) which have zeroed in on hot-button issues like attendance management or personal harassment, and given important updates on legislation and case law.

What key advice would you like to pass along to other HR&E Reps and ONA members?

I’ve found the most important thing is making sure the ONA members in my workplace know that I am available to assist them if they have any issues, questions or concerns about harassment or discrimination. It’s important to be accessible and to walk the walk.

As health care professionals, colleagues and union members, we must treat each other with dignity and respect. I always remind our members to “be the person you want to work with.” In our fast-paced, high-stress work environments we sometimes forget how easy it is to “snap” at each other. Sometimes we don’t realize how we’ve made someone feel but if and when we do, it’s appropriate to clear up any misunderstandings before they grow and fester into something bigger. I’ve observed there’s truth in the statement “10% of conflicts are due to difference in opinion, 90% are due to wrong tone of voice.” If you find yourself in a conflict you cannot resolve on your own, seek out your ONA HR&E Rep. They are prepared to assist you!

Preview: Fall 2014 Human Rights and Equity Caucus Meeting

Disability Rights are Human Rights!

This year the Human Rights and Equity Caucus education session will focus on the accommodation of disabilities in the workplace.

For more than a decade, allegations of disability discrimination have been the basis for the majority of human rights complaints in Ontario. The same is true for human rights grievances filed on behalf of ONA members.

The rise of workplace human rights obligations is one of the most significant developments in workplace law in recent times. With the aging of the working population and continued growth in our awareness of disability rights, disability discrimination can be expected to remain the single most contentious and litigated human rights issue in workplace law for a long time to come. Human rights law requires employers to accommodate their employees’ needs based on personal characteristics that include disability, religion, family status and other grounds. The aim of this legislation is to prevent and correct discriminatory treatment by ensuring equal opportunities to employment and the dignity of all workers.

Over the last decade, courts, arbitrators and human rights tribunals have issued numerous legal decisions expanding the scope of employers’ duty to accommodate. Under the current legislation, an employee with a disability must still perform the core aspects of a job in order to maintain the employment relationship, but employers must also be prepared to make substantial changes to the organization of the employee’s work.

In some cases employers may be required to modify the tools or equipment used to perform a job, to change work schedules, to adjust the duties assigned, to change workplace policies and apply policies differently, and even to address discriminatory attitudes in their workforce. This is progress.

Developments in employer accommodation of disabilities can affect everyone in the workplace.

Don’t miss this important education session on November 17, 2014. Our keynote speaker will be Maysood Zayid, Comedian/Disability Advocate/Co-Founder of the Arab-American Comedy Festival. Our panelists on accommodation will be ONA staff David Cheslock, Glen Oram, Nicole Butt and Glenda Hubley, ONA Local 46 Coordinator.

Pre-registration for the Caucus will be available on the ONA website starting September 29, 2014.
The participants and mentors in ONA’s Leadership Development Program for women from under-represented groups met in Toronto for a day of reflections. They shared their experiences and achievements as emerging union leaders and offered recommendations to help build the best possible program for the future.

Thanks to the outreach efforts of ONA’s planning group – and with funding of $5,000 from the Board of Directors, provincial political action monies and Local funding – more than 175 ONA members, Board members, staff and supporters joined our contingent for World Pride 2014 in Toronto, making this our largest presence ever in an LGBT event in Ontario! Members also participated in a wide array of Pride events in other communities in the province.

ONA provided a one-time contribution of $10,000 to support the Canadian Museum for Human Rights, which opens September 20, 2014 in Winnipeg to showcase human rights from many perspectives and to explore themes and issues that touch all our lives.

Planning has been underway for the 2014 Human Rights and Equity Caucus this November under the theme, Disability Rights are Human Rights.

ONA members participated in our most recent human rights and equity teleconnect addressing the issues of confidentiality and privacy in a session entitled, Charted Territory. The Employer’s Pursuit of Medical Information: How Much is Too Much?

ONA continued advocacy with the Ontario Human Rights Commission on its review of the College of Nurses of Ontario (CNO) to ensure that the barriers that prevent nurses with mental health disabilities from accessing employment are removed.

At the Advanced Leadership Conference in London, ONA conducted a workshop on human rights investigations, focusing on investigations initiated by employers where there has been a complaint alleging harassment based on a prohibited ground of discrimination under the Ontario Human Rights Code, such as sex, age, race, creed, disability or sexual orientation.

Register Now for ONA’s Human Rights and Equity Caucus Meeting!

- Breakout sessions for equity groups and friends & allies
- Key Note Speaker Maysood Zayid, Comedian/Disability Advocate/Co-Founder of the Arab-American Comedy Festival
- Presentation on Disability Accommodation with ONA staff David Cheslock, Glen Oram, Nicole Butt and Glenda Hubley, ONA Local 46 Coordinator

WHEN: November 17, 2014
WHERE: *NEW LOCATION* Westin Harbour Castle, Toronto
WHO: All ONA Members are invited
HOW: Pre-registration is available on ONA’s website at www.ona.org beginning September 29, 2014