

Human Rights and Equity: Frequently Asked Questions

As a bargaining unit leader, what does it mean to be targeted by the employer?

Targeting: One worker is singled out for different treatment than others, including excessive scrutiny, more severe discipline or undesirable work assignment. Targeting is also a form of bullying or personal harassment.

Personal harassment: Any unwarranted conduct directed at and offensive to an individual or that has the effect of creating an intimidating, humiliating, threatening or hostile environment. Personal harassment is not based on any of the prohibited grounds in the *Ontario Human Rights Code*.

The following types of behaviour, where repeated or occurring as a part of a pattern of behaviour, could be considered personal harassment:

1. Making derogatory comments, remarks or jokes.
2. Derogatory name-calling.
3. Ridiculing, taunting, belittling or humiliating another person.
4. Displays of offensive or derogatory material (e.g. cartoons, pictures, computer screens).
5. Use of profane, abusive or threatening language.
6. Yelling, shouting or other physically intimidating behaviour.
7. Withholding needed information, advice or resources.
8. Isolating, excluding and/or subjecting another person to silent treatment.
9. Damage to or interference with personal property.
10. Verbal or physical assault.

Bullying: is a form of harassment. Bullying may be characterized as persistent and repeated behaviour that is offensive, insulting, intimidating, humiliating or abusive towards a person or group. Bullying is usually intentional in nature and an attempt to exert power or control over the target.

Targeting of ONA bargaining unit leaders is becoming more prevalent across the province. ONA leaders have identified an increasing trend in employers targeting Bargaining Unit Presidents, grievance chairs, occupational health and safety representatives and members in other union roles. Some reasons for such employer tactics include: the bargaining unit is filing grievances, professional responsibility complaints, speaking out on health and safety issues and speaking out publicly on patient care issues.

Targeting of ONA's leaders is not restricted to one particular sector and it may present itself in many different forms. It could be blatant, in the form of a severe suspension, or insidious, such as not being replaced when attending meetings during working hours. For this reason it's important for ONA leaders to understand the many different ways "being targeted" by the employer may present itself.

What forms of “targeting” have ONA leaders experienced?

- Suppressing the work of bargaining unit leaders.
- Scheduling issues such as a change to the ONA rep’s regular schedule (e.g. all-day shifts).
- Taking away union time/paid Bargaining Unit President hours (negotiated in the collective agreement).
- Reducing use of flex-time for bargaining unit leaders.
- Closely monitoring the Bargaining Unit President’s (or other leaders’) e-mails and phone calls.
- Intimidation by management.
- Denial of union business leaves.
- Threats of reporting of bargaining unit leaders to their respective professional colleges.
- Severe forms of discipline.
- Taking away of union office space/equipment.
- Non-replacement of leaders when attending meetings.
- Employer attempts to change established practices.
- Transferring leaders to other units/areas within a department.
- Employer denying leaders access to employer facilities for meetings.
- Denying leaders the opportunity to speak with their members during working hours on issues arising from the collective agreement.
- Calling leaders to task for trying to speak with members on union matters during their breaks.
- Side deals outside the collective agreement.

How can you protect yourself?

1. Be aware of subtle changes in the way management treats you.
2. Document when examples of targeting occur (such as those listed above), including any witnesses who can corroborate your story.
3. Report these changes to your servicing Labour Relations Officer (LRO) as soon as possible.
4. Protect yourself by ensuring you are following your professional college’s standards and employer policies with respect to your practice and charting.
5. Report ongoing violations of professional standards or employer policies and procedures to your servicing LRO and discuss how these issues should be raised with the employer.
6. Report improper work assignments to your servicing LRO and discuss strategies for initiating the professional practice complaint clause outlined in the collective agreement.

What can ONA do to assist you?

There are a variety of ways in which ONA can assist when you feel you are being targeted by the employer. The key to dealing with this matter is to recognize when there is a change in the way you are being treated by management, and discuss this matter as soon as possible with your servicing LRO.

ONA strategies will fall into two categories, labour relations and governance.

Labour Relations Strategies may include:

- Speak to your servicing LRO about the issue.
- LRO attendance at Association-Agency meetings to discuss the issue with the employer.
- Raising the issues arising from the impact and treatment at other relevant committees, e.g. Joint Health and Safety Committee (JHSC).
- Filing of grievances (and pushing them forward to arbitration without extending timelines).
- Filing complaints at the Ontario Labour Relations Board, where appropriate.
- Requesting meetings with the agency Chief Executive Officer, Chief Nursing Officer/Director of Care (or others as appropriate) and the servicing LRO to discuss the issues.
- Negotiating collective agreement language such as: paid bargaining unit representative time to deal with union issues; office space/equipment use; use of employer's e-mail system, etc.
- Explore the possibility of an employer-paid facilitator/mediator to assist the parties in achieving a better harassment-free relationship, especially as part of a grievance settlement.

Governance strategies may include:

- Regional Vice-President providing support to bargaining unit leaders; being available to listen to the issues.
- Communicating with Bargaining Unit Presidents and Local Coordinators for additional support.
- Initiating letter-writing campaigns to the media, politicians, community groups, etc.
- Referring leaders to the ONA Censure Policy and providing support throughout the process.
- Rally a "regional" support group to assist the bargaining unit leaders affected.
- Hold rallies/information pickets to raise awareness of the employer's treatment of union leaders in the community.
- Educate members about this issue.

Remember:

1. Alert your servicing LRO to the problem as soon as possible.
2. The key to dealing with the issue of being targeted by your employer is to identify how you are being treated differently.
3. Document the treatment by your employer. Note: Any documentation should include as a header "prepared for my lawyer."
4. Seek assistance from your Bargaining Unit President and or Local Coordinator and your ONA Board of Directors so that they can provide additional support.