



# ONA Position Statement

## OBJECTION TO WORK ASSIGNMENT FOR RELIGIOUS/CONSCIENTIOUS REASONS

In accordance with the collective agreement and the *Human Rights Code*, the Ontario Nurses' Association (ONA) supports the right of its members to object to work assignments for legitimate religious/conscientious 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/conscientious 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 Labour-Management 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 cannot be accommodated in his/her position or on his/her unit without undue hardship, then a transfer to a vacant position may be necessary.

If, despite the above steps, a situation arises in which the member is asked to provide care they believe they cannot provide due to religious/conscientious reasons, the member must transfer care to another caregiver and withdraw from the situation. Until a replacement caregiver is found, the member must continue to provide care, as per a client's care plan, that is not related to the activities to which they object. The member must not convey their objection to the client, nor should they express moral judgments about the client's beliefs or decisions.

If no alternate caregiver can be found, ONA recommends that members do not refuse a direct order to carry out assigned work for religious/conscientious reasons, since such a refusal could be classified as workplace insubordination. Additionally, a member could be reported under the *Regulated Health Professions Act* for abandonment of a client/patient/resident. Therefore, ONA recommends that members follow the principle of "obey now and grieve later," to ensure that the patient/resident/client 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 their employer because of a refusal of a work assignment for religious/conscientious 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 Legal Expense Assistance Plan (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 **as** specified in Policy 14.4 – *Human Rights Complaints – Role of Membership*.

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