



## ONA Position Statement

### Harassment and Discrimination in the Workplace

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

The employer is ultimately responsible for maintaining a harassment-free and discrimination-free environment – this covers all forms of harassment and discrimination and not just *Ontario Human Rights Code* violations.

Members are strongly encouraged to utilize any employer policy or program dealing with harassment by another staff member. Members may also file grievances in certain situations.

#### Background

The vast majority of ONA collective agreements prohibit harassment and discrimination based on prohibited grounds under the *Code* (eg. Article 3.04 of the Hospital Central Collective Agreement.)

Personal harassment is prohibited under the “Anti-Discrimination” or “No-Discrimination” clause (Article 3.03 of the Hospital Central Collective Agreement and Article 4 of the Central Nursing Homes Template) in collective agreements. 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 other 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 harassment based on any factor not pertinent to the employment relationship is prohibited by the collective agreement.

The *Ontario Health and Safety Act (OHSA)* also addresses the issues of violence and harassment in the workplace. Workplace harassment is defined in s.1 of the Act as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.” This definition is broad enough to include both Code and Non-Code harassment, often referred to as bullying or psychological harassment.

ONA Policy 16.28 can be invoked when a member believes another member has harassed or discriminated against them during union business or activities. This includes personal harassment and bullying.

For additional information about how members can address harassment in the workplace, refer to ONA's *Workplace Violence and Harassment: A Guide for ONA Members*; which can be found on ONA's website.