

ONA WINS



SUMMARY OF ANOTHER SUCCESS AS YOUR UNION STRIVES TO IMPROVE YOUR WORKING CONDITIONS

Employer Tries to Terminate Leader for Representing Members

Arbitrator orders full reinstatement and compensation

One of the most important and core functions of a union leader is to represent and stand up for her/his Bargaining Unit members without fear of reprisal or employer interference. Yet, this basic tenet in labour relations was ignored by an employer who tried to terminate an ONA Bargaining Unit President for doing precisely that.

Violent Incidents Examined

With a heightened awareness of workplace violence, Alexandra and Marine Hospital Bargaining Unit President Melissa Wraith was looking into a violent incident on a unit in the Goderich facility that injured an ONA member. Wraith tried to find out about the attack from the hospital's occupational health department.

"They declined to provide information about the workplace injury, which is required under the Occupational Health and Safety Act," she explained. "I was entitled to that information as Bargaining Unit President and a member of the Joint Health and Safety Committee (JHSC). Unfortunately, my employer saw it differently and refused to provide me and the JHSC information, which could have helped us to make our jobs safer."

Wraith brought up the lack of reporting to the hospital's Labour Management Committee and the hospital administrators continued to refuse to provide basic information about this incident and others. ONA Labour Relations Officer (LRO) David Shepherd called the Ministry of Labour (MOL) and requested a site visit to the hospital to investigate critical injuries and reporting.

Ministry Issues 14 Orders

Although it took about 10 days after that initial site visit, an MOL inspector held a joint meeting with management and members of the JHSC. The Ministry issued 14 orders relating to the lack of reporting of critical incidents, including that when a person is disabled from performing her/his usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence, but no one dies or is critically injured, the employer must, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the JHSC and trade union(s).

"We were happy that the Ministry issued the orders," Wraith said. "However, while the employer was trying to comply with the orders, there was a near strangulation incident that involved an ONA member. Yet again, this event was not reported properly to all parties."

Terminated and Reinstated

While representing members on a different matter at an arbitration, the employer began to investigate Wraith's communications through the employer email, which were all related to her role as Bargaining Unit President.

After several meetings among her employer and LROs, Wraith was terminated. Immediately, ONA filed grievances and submitted an unfair labour practice with the Ontario Labour Relations

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Board. The hearing went to an arbitrator who ordered Wraith's reinstatement with full compensation.

Despite all the stress and uncertainty, Wraith said she would do it all again, as members deserve to work in a safe environment.

"I couldn't have done all of this without the great support I received from ONA staff, leaders and members."

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