



### **Another precedent-setting win for ONA!**

Crown drops charges laid against ONA members regarding appropriate footwear In yet another significant victory for our union, the Crown has dropped charges laid against two ONA members regarding their footwear because there was no reasonable prospect of conviction.

In August 2014, the members, employed at a large hospital in the Greater Toronto Area, were charged with violating the *Occupational Health and Safety Act* based on allegations related to whether they were wearing appropriate footwear and other equipment.

One member was alleged to have worn improper footwear. Her shoes had been acceptable for years when the employer changed its policy, without prior notice to employees, a week before she was charged. Nurses on the unit were confused about what type of footwear was considered appropriate and what exactly the employer required. They had also been told they had a month to comply with the new policy.

The other member was charged for failing to wear a dosimeter when there was no xray procedure being performed. The hospital policy was again unclear, and the nurse was wearing equipment as he had been doing since beginning work on the unit. His supervisor had never raised any concerns or told him he was doing anything wrong.

In both cases, the members were attempting to follow hospital policy and to work safely and responsibly. The prosecution withdrew both charges in August 2015.

The hospital had failed to provide clear direction, policies and training for employees on wearing proper footwear and other equipment. Despite a lack of direction from the hospital and significant employee confusion, the Ministry of Labour (MOL) unjustly targeted individual employees when they were not at fault rather than fix these systemic issues in the workplace by issuing orders against the hospital.

ONA and our members are relieved that the Crown has reached the right decision by not pursuing this matter further.

We encourage the MOL to examine what employers have done and whether it has instituted appropriate direction, policies and training to ensure employees are safe, rather than blaming individual workers when their employers have not given them clear instructions on what safety measures to follow.

(*Front Lines*, November 2015 edition)