



**Action on Workplace Stress:**

**Mental Injury Prevention Tools  
for Ontario Workers**

**PSYCHOLOGICAL SAFETY ACTION PLAN  
TIP SHEET FOR JOINT HEALTH AND  
SAFETY COMMITTEE MEMBERS**



## **Action on Workplace Stress**

### **A Worker's Guide to Addressing Workplace Causes of Mental Distress**

This guide and resource kit will provide workers a basic understanding and a place to start to learn about workplace stress and what to do about it. The guide gives definitions, common causes of mental distress, legal frameworks (focusing on Ontario), possible actions to take, and resources available. It is an introduction and action guide created by workers for workers.

These tools are not clinical diagnostic tools. They are not meant to diagnose medical or psychological conditions or to be used by a physician to these ends. These tools are designed to identify problems that may exist within the workplace and provide possible avenues to address them.

This resource kit and tools are provided with a focus on the Ontario jurisdiction – workers in other provinces or in federally regulated workplaces should refer to their own legal framework.

# PSYCHOLOGICAL SAFETY ACTION PLAN TIP SHEET FOR JOINT HEALTH AND SAFETY COMMITTEE MEMBERS

## Before You Begin

- You would benefit from understanding occupational law, principles and rights. Consider accessing basic health and safety training from your union or the Workers Health and Safety Centre (WHSC) [www.whsc.on.ca](http://www.whsc.on.ca).
- Remember to carefully document all concerns, issues, investigations, efforts, etc.
- Know that your employer is required by Ontario law to establish and maintain safe and healthy workplaces and specifically to “take every precaution reasonable in the circumstances to protect” you as a worker (Occupational Health and Safety Act, 1990, Sect. 25-27).

[http://www.elaws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

## Your Role

As a JHSC member or HSR your role is to identify sources of psychological danger or hazard to workers, obtain information from the employer and elsewhere, and make recommendations to the employer for improvements. You have additional rights and duties outlined in sections 8 and 9 of the Occupational Health and Safety Act (1990).

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

JHSCs and HSR have special roles in health and safety in the workplace, and in any strategy to take action regarding psychosocial hazards. JHSCs and worker HSRs are not responsible for the health and safety in the workplace, that’s the employer’s job. But JHSCs and HSRs have important roles to identify hazards and make recommendations to the employer about how to address hazards. The JHSC/HSR acts as a conduit to bring forward worker concerns about workplace health and safety, especially when the worker’s supervisor or employer has not solved the problem. A JHSC or HSR should respond to your concerns about psychosocial hazards and may make formal written recommendations to the employer, to which the employer must respond.

Occupational health and safety legislation prescribes certain rights of JHSCs and HSRs, such as inspecting the workplace, investigating critical and fatal injuries, accompanying inspectors, assisting during work refusals, etc. Documentation of all efforts cannot be emphasized enough. When JHSCs and HSRs detail these items in writing — whether on inspection reports, meeting minutes, recommendations, or informal memos — the records can be used to support workers

(whether individual or group) in grievances, OLRB complaints, compensation cases, contract negotiation, legislative forums, etc.

Whether the JHSC or HSR *leads* the prevention effort depends on the workplace. Workers acting together or a union leadership can spearhead their own efforts — and incorporate actions for the JHSC or HSR in tandem with their own strategy. The key here isn't who is leading the action — the goal is to involve many people (and committees) within the workplace to draw attention to these hazards and push for change.

## **Actions to Take**

### **Identify the hazards in order to make recommendations for further investigation and control of the hazards**

Psychosocial hazards that cause any type of mental distress (diagnosed or undiagnosed) should be treated like every other workplace hazard.

Identify psychosocial hazards by gathering evidence and other information including:

- reports from workers including unresolved concerns
- inspection reports
- illness reports/data
- information from academic, union, safe work association, etc.
- data derived from tools to gather evidence e.g. [COPSOQ](#) survey
- **Draft and present recommendations** for further investigation and/or to control identified psychosocial hazards (see Fig 4-5 for examples).

The employer is required to respond to a written recommendation from the JHSC co-chair/HSR within 21 days in writing, containing a timetable for implementing the recommendations or reasons why they disagree with any recommendations (Occupational Health and Safety Act, 1990, Sect. 8; Sub. (12), (13) or Sect. 9; Sub. (20), (21)).

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

A JHSC co-chair/HSR should recommend course of action to present to the employer. You might have knowledge and experience in your workplace about what might resolve the issue, or you might ask the workers for ideas. You could also refer to this resource from the International Labour Organization:

[http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms\\_168053.pdf](http://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/@publ/documents/publication/wcms_168053.pdf).

In Ontario you can make formal written recommendations to the employer from the JHSC or as an HSR as per sections 18 and 19.1 in the Occupational Health and Safety Act (1990). Some ideas for recommendations may include:

- That the employer should develop a prevention program for psychosocial hazards.

- That the employer should clarify reporting mechanisms for workers suffering mental distress, with particular attention to the legal requirement for employers to report disabling incidents to the JHSC/HSR/trade union(s) (Occupational Health and Safety Act, 1990, Sect. 52).

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

- That the employer should provide training on psychosocial hazards for JHSC members, worker HSRs, and supervisors
- That the employer should provide training on psychosocial hazards for workers
- That the employer should provide worker access to medical intervention and workplace support and reintegration
- That the employer should compose and provide resources for a workplace sub-committee (of the JHSC) for psychosocial hazards

If your employer will not take action, you may need to call an inspector from the Ministry of Labour for assistance. Find how to contact the Ministry of Labour here:

[http://www.labour.gov.on.ca/english/about/reg\\_offices.php](http://www.labour.gov.on.ca/english/about/reg_offices.php)

You can use the tools in this kit to make sure you have prepared the evidence you need to support your case for the measures that are “reasonable in the circumstances” (Occupational Health and Safety Act, 1990, Sect. 25; Sub. 2(h)). If you are a member of a union, contact your union who may have staff to help you assert your rights to be protected from psychosocial hazards, and/or to appeal an MOL decision not to enforce the employer duty to protect you from these hazards. There are also training organizations and public occupational health clinics where experts may help you for free. Check out the Workers Health and Safety Centre (WHSC) at [www.whsc.on.ca](http://www.whsc.on.ca) and Occupational Health Clinics for Ontario Workers (OHCOW) at [www.ohcow.on.ca](http://www.ohcow.on.ca).

## **If You Are On a JHSC**

- Caucus before committee meetings, on paid time (Occupational Health and Safety Act, 1990, Sect. 9; Sub. (34), (35)) with other union/worker members to secure support from the other worker members for your recommendations at committee meetings.

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

- Attempt to get consensus for the recommendations with the employer members at the committee meeting (see Fig 4-5 for examples).
- If the employer doesn’t agree with the recommendations after you try for a consensus, the worker co-chair independently submits written recommendation(s) to the employer (Occupational Health and Safety Act, 1990, Sect. 9; Sub. (19.1)).

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm#BK42](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42)

- Monitor improvements, evaluate, and resume foregoing as necessary.

If this process does not resolve concerns about psychological health and safety hazards, consider options such as grievances (in unionized shops) and/or calling the Ministry of Labour to file a complaint. Find how to contact the Ministry of Labour here:

[http://www.labour.gov.on.ca/english/about/reg\\_offices.php](http://www.labour.gov.on.ca/english/about/reg_offices.php)

## **Fig. 4 – Sample Form to Make Health and Safety Recommendations to the Employer**

The following is a sample template designed to help ease the job of a Joint Health and Safety Committee (JHSC) member or health and safety representative (HSR).

**The right to make recommendations to the employer:** Section 8 (subsections 10-13) and section 9 (subsections 18-21) of the Occupational Health and Safety Act (1990) provide the right to make recommendations regarding health and safety to the employer for HRSs (in small workplaces), joint health and safety committees, and individual co-chairs of a joint health and safety committee.

**Format for recommendations:** The Act (1990) does not specify a particular form on which to write the recommendation(s) — it must be in writing to trigger a written response from an employer within twenty-one days.

Legally, you can use this template, a letter, email, or any written form to submit recommendations to the employer. Regardless of the form of the recommendation, it is important to note the date sent, the hazard/concern identified, and/or the recommendation that the JHSC, co-chair, or health and safety representative is proposing. It helps to number each hazard/concern.

**How to make recommendations:** First attempt to secure JHSC consensus and have both co-chairs sign the recommendation(s). If consensus cannot be reached, the co-chair may submit the recommendation(s) independently. If you are the health and safety representative in a small workplace with less than 20 people regularly employed, you also have the right to make recommendations to your employer, and you may use this or any form.

## Health and Safety Recommendations to the Employer

Date: \_\_\_\_\_ Hand delivered to: \_\_\_\_\_

Name of Employer and Organization: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Pursuant to section 8 (10), 9 (18), and 9 (19.1) of the *Occupational Health and Safety Act (OHSA)*, among our functions as a Joint Health and Safety Committee or health and safety representative, we are to:

- Identify situations that may be a source of danger or hazard to workers.
- Make recommendations to the employer and the workers for the improvement of their health and safety.
- Recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers, and the trade union representing the workers.

As such, we (I) have identified the following source(s) of danger or hazard, and/or concern(s), at [insert address of employer] and/or provide the following recommendations:

Date: \_\_\_\_\_ Hand delivered on date: \_\_\_\_\_

### Identified Hazards or Dangers and/or concerns and their associated Recommendations

Hazard/Concern	Recommendations

(Note: number your hazards and recommendations. Often one hazard/concern may have many recommendations. If more space is necessary please continue to type in the necessary information ending with the paragraph below).

Pursuant to section 8(12) or section 9 (20), an employer who receives written recommendation(s) from a committee, a co-chair, or a health and safety representative, shall respond in writing within twenty-one days. Therefore we look forward to receiving your written response to our recommendations within 21 days, i.e. by this date \_\_\_\_\_.

We anticipate that your written response will include all information pursuant to the *OHSA* section 8 (13) or 9 (21) which says: "A response of a constructor or employer under subsection 9 (20) shall contain a timetable for implementing the recommendations the constructor or



employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept.”

\_\_\_\_\_, Worker Co-Chair, Joint Health and Safety Committee, or Health and Safety Representative

\_\_\_\_\_, Employer Co-Chair, Joint Health and Safety Committee

Is this recommendation a unilateral recommendation? \_\_\_\_\_

CC. Post for the workers

Copy to JHSC

Local \_\_\_\_\_

## **Fig. 5 – Sample recommendations about workplace psychosocial hazards**

The following is a sample template designed to help ease the job of a Joint Health and Safety Committee (JHSC) member or the health and safety representative (HSR).

**The right to make recommendations to the employer:** Section 8 (subsections 10-13) and section 9 (subsections 18-21) of the Occupational Health and Safety Act (1990) provide the right to make recommendations regarding health and safety to the employer for health and safety representatives (in small workplaces), joint health and safety committees, and individual co-chairs of a joint health and safety committee.

**Format for recommendations:** The Act (1990) does not specify a particular form on which to write the recommendation (s) — it must be in writing to trigger a written response from an employer within twenty-one days.

Legally, you can use this template, a letter, email, or any written form to submit recommendations to the employer. Regardless of the form of the recommendation, it is important to note the date sent, the hazard/concern identified and/or the recommendation that the JHSC, co-chair, or health and safety representative is proposing. It helps to number each hazard/concern.

**How to make recommendations:** First attempt to secure JHSC consensus and have both co-chairs sign the recommendation(s). If consensus cannot be reached, the co-chair may submit the recommendation(s) independently. If you are the health and safety representative in a small workplace with less than 20 people regularly employed, you also have the right to make recommendations to your employer, and you may use this or any form.

## **Example Health and Safety Recommendations to the Employer**

Date: \_\_\_\_\_ Hand delivered to: \_\_\_\_\_

Name of Employer and Organization: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Pursuant to section 8 (10), 9 (18), and 9 (19.1) of the *Occupational Health and Safety Act (OHSA)*, among our functions as a Joint Health and Safety Committee or health and safety representative, we are to :

- Identify situations that may be a source of danger or hazard to workers.
- Make recommendations to the employer and the workers for the improvement of their health and safety.
- Recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers, and the trade union representing the workers.

As such, we (I) have identified the following source(s) of danger or hazard, and/or concern(s), at [insert address of employer] and/or provide the following recommendations:

Date: \_\_\_\_\_ Hand delivered on date: \_\_\_\_\_

### **Identified hazards, dangers and/or concerns and their associated recommendations**

#### **Hazard/Concern (example)**

#### **Recommendations (example)**

<p>1. There are increasing numbers of workers taking stress leave. The Union conducted a survey using the Copenhagen Psychosocial Questionnaire (COPSOQ) probing psychosocial hazards in the workplace. Compelling data from the survey identifies the top three risk factors related to health symptoms among workers:</p> <ul style="list-style-type: none"> <li>• Insufficient staff</li> <li>• Unreasonable work pace</li> <li>• Need for role clarity</li> </ul>	<p>1. Employer, in consultation with the JHSC,</p> <ul style="list-style-type: none"> <li>• Apply the Union COPSOQ survey to the entire workplace.</li> <li>• Use the survey results, and illness/injury reports, to identify workers and units at risk of exposure to:             <ul style="list-style-type: none"> <li>• Insufficient staff</li> <li>• Unreasonable work pace</li> <li>• Need for role clarity (and any other significant psychosocial hazard identified in the survey)</li> </ul> </li> <li>• Consider engaging the Occupational Health Clinics for Ontario Workers (OHCOW) to assist.</li> <li>• Use the results of these investigations to immediately, in consultation with this committee, develop and implement, measures, procedures, equipment, and training that will protect workers.</li> <li>• In developing measures, procedures, equipment, and training, apply the hierarchy of controls, beginning with eliminating hazards where possible.</li> </ul>
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(Note: number your hazards and recommendations. Often one hazard/concern may have many recommendations. If more space is necessary please continue to type in the necessary information ending with the paragraph below).

Pursuant to section 8 (12) or 9 (20), an employer who receives written recommendation(s) from a committee or co-chair shall respond in writing within twenty-one days. Therefore we look forward to receiving your written response to our recommendations within 21 days, i.e. by [enter date].

We anticipate that your written response will include all information pursuant to the *OHSA* section 8 (13) or section 9 (21) which says: "A response of a constructor or employer under subsection 9 (20) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept."

\_\_\_\_\_, Worker Co-Chair Joint Health and Safety Committee, or Health and Safety Representative

\_\_\_\_\_, Employer Co-Chair Joint Health and Safety Committee

Is this recommendation a unilateral recommendation? \_\_\_\_\_

CC. Post for the workers

Copy to JHSC

Local \_\_\_\_\_