



Action on Workplace Stress:

**Mental Injury Prevention Tools
for Ontario Workers**

**PSYCHOLOGICAL SAFETY ACTION PLAN
TIP SHEET FOR WORKERS**



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 WORKERS

Before You Begin

- You would benefit from understanding occupational health and safety law, principles and rights. Consider accessing basic health and safety training from your union or the Workers Health and Safety Centre (WHSC).

<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

Your Role

As an Ontario worker you must:

- work in compliance with occupational health and safety law,
- as well as in accordance with your employer’s occupational health and safety policies, programs, etc.,
- report hazards to your supervisor/employer (Occupational Health and Safety Act, 1990, Sect. 28).

http://www.elaws.gov.on.ca/html/statutes/french/elaws_statutes_90o01_f.htm#s28s1

Actions to Take

A more complete description will follow.

- Identify if psychosocial hazards are an issue for you.
- Report psychological hazards and injuries/illnesses to your supervisor/employer.
- Participate in evidence gathering surveys and other exercises conducted by unions and/or JHSCs/HSRs (Like the [COPSOQ](#) survey).
- Report unresolved psychological safety concerns/hazards to your Joint Health and Safety Committee (JHSC) or health and safety representative (HSR).

- Consult your union if you are unionized. You can speak to them about filing a grievance or other options if your concern is not resolved.
- If you are unionized or not, you may wish to call the Ministry of Labour (MOL) for advice, information and/or intervention.

Actions to Take — Identify If Psychosocial Hazards Are an Issue

Do you ever feel:

- Pressured and physically/mentally exhausted because of having too much work to do and not enough time or help to do it?
- Anxious or even ill because of a poisoned work environment or from being bullied, harassed or subjected to threats of violence?
- Uncertain because of the constant threat of layoff or because you don't know where you'll be or what hours you'll be working next week or next month?
- An emotional toll because you don't have the time or resources to care for a client/patient/customer the way you know it should be done?
- Frustration because you have no control over how your work gets done, or because of a lack of support from supervisors or management to do your job?

If you said YES to any of these questions, you will want to read further about how psychosocial hazards at work affect your mental and physical well-being, and how we as workers can begin to address these hazards.

Actions to Take — Report Psychological Hazards and Injuries/Illnesses to Your Supervisor/Employer

Why Report?

As workers, we have a legal responsibility under occupational health and safety law to report workplace hazards to our supervisors or employers. Plus, employers are not always present to see the work; therefore reporting hazards and suggesting solutions is one way that workers can ensure that employers rectify factors that negatively affect them. If the hazard is affecting you, it is probably affecting other people too. However, workers don't have to act alone; to be more effective in getting an issue addressed, it helps if workers join together to seek solutions for hazards. If the workload is too high, or people are not replaced, or if workers get insufficient resources and support to do their job, the problem is more likely to be resolved if workers act together to make the employer resolve the situation.

What do I report?

We consider a hazard to be any factor at work that negatively affects a worker's mental or physical health and well-being. Therefore, threats to a worker's psychological health and safety should be reported to the employer and prevented like any other hazard. Employers should act on these reports and prevent the problem from affecting workers.

According to the Copenhagen Psychosocial Questionnaire, the following is a list of psychosocial hazards (Kristensen, Hannerz, Hogh, & Borg, 2005):

Psychosocial Hazards	Warning Signs
Demands	<ul style="list-style-type: none"> • Quantitative demands (insufficient staff) • Unreasonable Work pace • Excessive emotional demands
Work Organization	<ul style="list-style-type: none"> • Insufficient influence (over work issues or tasks) • Insufficient possibilities for development at work • Little meaning of work • Lack of commitment to the workplace
Work Values	<ul style="list-style-type: none"> • Little trust regarding management • Insufficient justice and respect
Work Relationship	<ul style="list-style-type: none"> • Unpredictability • Little or no recognition • Need for role clarity • Poor quality of leadership • Little or no social support from supervisor
Work-Life Balance	<ul style="list-style-type: none"> • Insufficient job satisfaction • Work-family conflict
Offensive Behaviours	<ul style="list-style-type: none"> • Sexual harassment • Threats of violence • Physical violence • Bullying

Actions to Take – Report Unresolved Psychological Concerns/Hazards to Your JHSC or HSR

Use your JHSC or HSR

JHSCs and health and safety representatives have a special role 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.

The employer is required to respond within 21 days in writing, containing a timetable for implementing the recommendations or give reasons why they disagree with any recommendations (Occupational Health and Safety Act, 1990, Sect. 8; Sub. (12), (13) or Sect. 9; Sub. (20), (21)). If your employer will not take action, you may need to call an inspector from the Ministry of Labour for assistance. 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. If you are not a union member, there are worker training centres 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 and Occupational Health Clinics for Ontario Workers (OHCOW) at www.ohcow.on.ca.

Actions to Take – Consult Your Union If You Are Unionized

Go to your Union for help if you have one

Unions in particular need be proactive in the care of their members with regards to workplace psychological health and safety. Psychosocial hazards that cause any type of mental distress (diagnosed or undiagnosed) should be treated like every other workplace hazard. If a workplace is unionized, your leaders may assist you in:

- Obtaining training
- Identifying psychosocial hazards
- Reporting to supervisors/employer
- Reporting to JHSC/HSR and other agencies as appropriate
- Gaining access to medical intervention and workplace support and reintegration
- Considering grievances as appropriate
- Ensuring vulnerable injured workers are protected from premature return to work that may cause or aggravate mental distress and/or physical injury

Actions to Take – Call the Ministry of Labour

Workers can call the Ministry of Labour (MOL) and ask that an inspector come and investigate

Every provincial and federal jurisdiction has inspectors that enforce occupational health and safety legislation. For example, Ontario’s Ministry of Labour has approximately 430 inspectors whose job it is to enforce Ontario’s *Occupational Health and Safety Act* (1990). Inspectors in all jurisdictions inspect workplaces, decide on work refusals, respond to worker complaints, and

can write orders to employers or prosecute employers when employers fail to comply with health and safety legislation, or fail to take reasonable precautions to protect workers. To reach the MOL click http://www.labour.gov.on.ca/english/about/reg_offices.php

Try not to “go it alone” — Join together and press your employer to obey the law

It’s not always easy, especially when talking about psychosocial hazards, which are not specifically mentioned in health and safety legislation in Ontario. Law in Ontario says that employers must take reasonable precautions to protect the health and safety of workers. Joining together will help workers press employers to consider these hazards as part of that obligation. Workers don’t control the workplace and are often afraid to speak up. It will take buddying up to get action.

Can workers refuse unsafe work from the causes of workplace stress?

Ontario’s health and safety law describes a worker’s right to refuse unsafe work. And some workers, like those in hospitals, jails, or residential facilities have a limited right to refuse work — they cannot refuse work where the hazard is inherent in their job or refuse work that puts others in danger (Occupational Health and Safety Act, 1990, Sect. 43).

While the possibility of refusing unsafe work due to a threat of violence in the workplace has recently been added to health and safety law in Ontario, refusing on the basis of other factors that cause mental distress is not mentioned. Therefore, refusals that deal with the factors that cause mental distress (such as workload, bullying and harassment, or short-staffing (unless that poses a physical danger)) are difficult because of the system’s lack of acceptance of their likeliness to endanger a worker.

We believe that a point may be reached where psychosocial hazards are likely to endanger the health of a worker based on the particular circumstances. In such circumstances a worker should be able to exercise their right to refuse. However, while we believe that these work refusals may and should be considered valid (because of the employer’s general duty to protect the health and safety of workers), our system is not yet sophisticated enough to consider these hazards as a basis for refusing work. However, worker action is what drives changes to the system and perhaps the system will get more sophisticated as it responds.

So instead of asking the question “CAN workers refuse,” perhaps we should consider whether work refusals WORK in this scenario and the answer is that they often don’t. However, the process of engaging in a work refusal requires employers to investigate the situation, which may result in a resolve in the early stages of a work refusal. Ontario’s system should look to the resources in Europe and equip our own inspectors to assist and advise workplaces regarding psychosocial hazards.