



Action on Workplace Stress:

**Mental Injury Prevention Tools
for Ontario Workers**

Part 5 – Workplace Action Plan



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.

PART 5 — Workplace Action Plan

Tip sheets for workers, JHSC members and union leaders can be found at the end of Part 5.

The Case for Action

Workers do all kinds of work and work within many different types of environments. Workers may work part time, full-time, contract, temporary, etc. And under the *Occupational Health and Safety Act* (1990), anyone collecting wages from an employer is defined as a worker.

We as workers have good reasons to intervene and take action to improve the conditions of work that cause us mental distress. We are mothers, fathers, sisters, brothers, grandmothers, grandfathers, aunts, uncles, cousins, and friends. We all have activities that we enjoy outside of work that we wouldn't want work to ruin. So many workers have died, have been critically injured, or developed devastating health conditions and diseases from work that changed their lives forever. None of those workers thought those things would happen to them. You probably don't think anything will happen to you. Workers think that the workplace and the employer will take care of them. It's not always true. The employer does not have the right to cause harm to workers, in fact, just the opposite. As such, workers have many reasons to press employers in whatever way they can to address the factors at work that threaten — not just a worker's health and safety — but also a worker's ability to live their life and support their family and contribute to their community. We need to examine the workplace for the harmful factors affecting our health and safety and try to make employers comply with their responsibility to protect us. And we should take actions as early as possible, before we develop a diagnosed medical condition that will make us more fragile and therefore more unable to assert our rights to safe and healthy work.

While psychosocial hazards may be difficult hazards for employers and inspectors to deal with because the law is slow in evolving, it is important that workers insist that psychosocial hazards be prevented like any traditional health and safety hazard. It took Europe decades for its enforcement system to recognize these hazards and it may also take time in Ontario. One thing is for sure, workers should not be stopped from recognizing these hazards (like the list in fig. 2) by the weaknesses in the system to recognize these hazards (like the list in Fig 2.) for it is only through making this an issue that change will occur. Indeed, history shows that laws and their interpretation only changed through worker and union action in health and safety have produced some of the most significant changes in laws and their interpretation. Use the material and tools in this kit and in the resource list to gather the evidence to make your case to both employers and Ministry of Labour inspectors. Use these facts and reasons to achieve improvements at work that will prevent mental distress for you and your fellow workers.

Workers can take action in all workplaces to address psychosocial hazards that cause mental distress. It's true that not all workplaces are unionized, where workers are unionized, the union can provide help and support. In a non-unionized workplace, workers can still get help from the Workers Health and Safety Centre (WHSC) or Occupational Health Clinics for Ontario Workers

(OHCOW). However, all workplaces have workers, and most workplaces will either have a joint health and safety committee or a health and safety representative. In ALL workplaces, employers have obligations to take every reasonable precaution in the circumstances to protect workers' health and safety. While it may be true that effecting change in a unionized workplace is easier, or in workplaces where the employer concedes a problem, it is important that all workplaces use these tools to address the issue.

Fig. 2 – What Are Some of the Psychosocial Hazards to Look For?

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 |

What about “Vulnerable” Workers?

There is no “one size fits all approach” to dealing with stress caused or aggravated by workplace psychosocial hazards. Some workers may be more vulnerable to mental distress because their status as part-time, non-permanent, contract, or seasonal may prevent them from raising issues at work. Workers may be afraid to speak up about the psychosocial hazards, leaving the mental distress unchecked and unaddressed. As a result, the employer may have no awareness of any negative effects on workers, or may have no interest in addressing the root cause of the stress. Workers may fear being sanctioned for reporting their concerns.

Some workers may not have the training or knowledge to recognize that what they are experiencing is indeed a health and safety concern that an employer needs to address and a worker needs to be report. A worker who is seeking support can link with workplace allies and call outside sources for advice, such as their union’s Health and Safety Department (or if not unionized, the Occupational Health Clinics for Ontario Workers (OHCOW) (www.ohcow.on.ca), and the Workers Health and Safety Centre (WHSC) (www.whsc.on.ca). Workers can also call — anonymously if necessary — the Ontario Ministry of Labour at 1-877-202-0008 to ask an inspector to visit the workplace to investigate.

It is against the law for employers to threaten to discipline, suspend, intimidate, or terminate a worker because the worker is trying to assert their health and safety rights such as reporting a hazard, refusing to work for a health and safety reason, or even asking that any unsafe or unhealthy situation to be addressed. However, it is not unusual for this type of reaction to occur, so a worker must weigh all the risks when deciding how to assert their rights. A worker can file a complaint at the Ontario Labour Relations Board if he or she feels that the employer has taken negative action (or a reprisal) against them for asserting their health and safety rights (unionized workers may have an option to file a grievance). New amendments to the *Occupational Health and Safety Act* (1990) provide that inspectors can investigate reprisals and refer a reprisal complaint to the Ontario Labour Relations Board. See here for more information:

<http://www.labour.gov.on.ca/english/hs/topics/reprisal.php>.

Identifying/Assessing the Psychosocial Hazards Affecting Workers

There are numerous ways to identify psychosocial hazards in the workplace. Sometimes the problem is so obvious (e.g. a “poisoned” work environment) that even outsiders can tell there is something wrong when they visit the workplace. If the problem is that obvious, using checklists or surveys may appear as an attempt to divert attention away from the problem – i.e. avoiding/delaying the issue. In other situations, even if the problem seems obvious to workers, management may need “objective” evidence in order to convince those in power to do something about the situation. Tools to collect worker experience can be useful in such situations.

The two main tools for assessing psychosocial hazards in the workplace are checklists and surveys. Checklists usually have a list of factors that can be used to review workplace conditions. The key to effective use of checklists is to make sure those reviewing the workplace

against these criteria are generally trusted by workers and known to have a good understanding of the relationships in the workplace. Training in the use of the checklists (and in identifying and solving psychosocial hazards in general) will help to make the use of the checklists more effective. Examples of checklists available online are provided in the Resources section (Part 6) of this guide.

The other tool for assessing psychosocial hazards is a questionnaire. While surveys may seem “subjective,” one needs to realize that mental distress is subjective. It is true there may be extreme responses provided by a minority of respondents, but it is also true that the extremes can occur in both directions (those who exaggerate, and those who are in denial). If the workplace is large enough, these extreme responses will usually balance themselves out in the average. The Resource section of this guide lists a number of Internet sites that describe different questionnaires to assess psychosocial hazards in the workplace. The MIT group reviewed a number of these (and others not listed in Part 6) and selected the Copenhagen Psychosocial Questionnaire (COPSOQ) (Kristensen, Hannerz, Hogh, & Borg, 2005) as having the most comprehensive coverage of the range of psychosocial risk factors. Furthermore, the COPSOQ survey also includes symptoms associated with exposure to psychosocial hazards and thus allows one to distinguish between risk factors that are associated with symptoms from those that are not. The MIT Group adapted the COPSOQ for our use; for more information, please visit: http://www.ohcow.on.ca/uploads/mit/pdf/MITsurveytool_background.pdf.

A supplementary video explaining the COPSOQ materials can be found here: http://youtu.be/F49TF_aSclK

What is the Copenhagen Psychosocial Questionnaire (COPSOQ)?

The Copenhagen Psychosocial Questionnaire ([COPSOQ](#)) is a tool where workers record their exposures to psychosocial hazards and general health outcomes. The questionnaire helps make the link between what psychosocial hazards may be affecting worker health outcomes. The survey has been validated and extensively used in Denmark, Spain, Belgium and Germany. There is reference population data available that allows you to compare the results of your workplace to a representative sample of the Danish working population. The questionnaire contains questions on work environment factors, the personal experience of symptoms, the relationship between work and home life, and conflicts and offensive behaviours.

The purpose of using the survey is to identify which stress factors have been associated with health symptoms so the results can provide a focus for efforts to prevent the stress. Surveys are considered screening tools (early warning system) designed to catch problems before they causes serious psychological and physical health effects. Questionnaires also provide an educational function because they get participants to think about the different aspects of workplace stress. Questionnaires are often the measures of risk factors because there are few if any ways to “objectively” measure these exposures. However, they should not be used to “diagnose” anyone — in fact only the group results are reported, not any particular individual’s response. In a presentation in Germany, researcher Tage Kristensen (2004) discussed using the COPSOQ and advised, “It is important to distinguish between basic conditions of work that are

“part of the job” and factors that could be changed. Do not try to change what cannot be changed and do not accept what should be changed” (slide 4).

In order for questionnaires to be valid and truly represent the group being surveyed, it is important to get a good response rate (preferably over 80% but at least over 60%). To get a good response rate you need support and a plan (see below for some tried and true techniques that have helped other workplaces get a good response). We also advise to use this questionnaire as an opportunity for dialogue with your employer rather than as a “report card (Kristensen, 2004).

A tried and true method for maximizing response to a survey is to have a staged plan:

1. put together a working group and get endorsements from workplace parties respected by the group you are surveying
2. put out an announcement with the written endorsements two weeks before launching the survey
3. launch the survey (with some “fanfare” if appropriate and if it will help)
4. two weeks after the launch, thank those who already filled in the survey and remind the others to do so
5. four weeks after the launch, send out a second reminder emphasising the importance of their participation (and thanking those who already have)
6. six weeks after the launch, announce the deadline (in two weeks) for closing the survey and remind them of the importance
7. eight weeks after the launch close off the survey and announce a target date to present the results/report (when you present the results be sure to address what should be done next (if possible, include sample solutions to any issues identified)
8. Surveys can be tabulated in excel and summarized in a small report. For help to tabulate and summarize, contact your union if you have one, or Occupational Health Clinics for Ontario Workers (OHCOW) www.ohcow.on.ca, or the Workers Health and Safety Centre (WHSC) www.whsc.on.ca.

This is a labour intensive exercise and you need to have people who can stick with the plan and see it to the end (patience, persistence, and the ability to “nag”). As you can see, deciding to do a survey requires a significant commitment. Also, before deciding to use a survey tool, it is important to consider the following issues (some of which were taken from the authors of the COPSOQ survey)

Do NOT use a questionnaire (like the COPSOQ survey) for this or any other hazard unless:

- **There is a clear intention of taking action if indicated.**

If people are asked to answer questions about their views and symptoms, they expect you will respond to them. If you don’t intend to respond to them, better not ask them in the first place. Under such circumstances doing a survey will make the situation

worse (raising people's expectations and then disappointing them) as compared to not doing a survey at all.

- **The filling out of the survey is completely voluntary.**

Ethics always enter into any survey data collection. Surveys always have to be voluntary. Make sure you make it clear that filling out the COPSOQ is completely voluntary and anonymous. Also, be sure to explain that workers may choose not to answer specific questions even within the survey.

- **You can guarantee a high degree of confidentiality.**

The questions on a survey such as this are very personal and if the participants don't trust you to keep them in confidence then either they will not respond at all or else they won't tell you their true feelings. Whoever is administering the questionnaire must be seen by the participants as trustworthy and able to hold their information in confidence. Reporting the results as group averages and not including any personal information ensures that it won't be traced back to an individual. To help maintain this confidentiality, return completed questionnaires in a blank sealed envelope.

- **You have a plan to address personal issues that the survey may "stir up."**

Never engage in any screening (or surveying) activities without creating in advance a complete plan for execution and follow-up. Screening implies a duty of follow-up. Be ready with information about where to refer people (EAP or qualified counselling and support services) if the survey causes someone to ask for help.

- **You're willing to be flexible in finding solutions.**

The survey results should be seen as a tool for dialogue and development — not as a "report card." There are no standard solutions to the problems. Solutions need to be developed locally and integrated in the other aspects of the organization. It is important to distinguish between basic conditions of work that are "part of the job" and factors that could be changed. Do not try to change what cannot be changed and do not accept what should be changed.

Planning for a successful survey

- Select a workplace lead group or steering committee to spearhead the plan to gather information using the COPSOQ and to facilitate the action plan to address the factors that the COPSOQ may identify.
- Make a plan from beginning to end; tailoring the steps in this resource to your workplace — i.e. How will you communicate with workers? Who will do what? How will they get computer access (at home)?
- Have you spoken to your union health and safety department or the Occupational Health Clinics for Ontario Workers (OHCOW) about whether they can help with the interpretation of the results and provide ideas for solutions?

- How will you guarantee confidentiality? Do you need a third party (the union H&S dept or OHCOW or WHSC) to help with the administration of the survey? Will you use an online survey service (see your union H&S dept or OHCOW or the WHSC for assistance), or will the questionnaire be filled out on paper (if so, who will enter the data into a computer? — remember to address all confidentiality issues)
- What will the employer’s role be in the survey process? For example, will you seek the support and involvement of your employer in this process (remember to address confidentiality concerns)? Or will you and the workers do the COPSOQ on your own and then bring results and recommendations to the employer?
- If you plan to keep the employer at arm’s length during the survey planning and implementation process, as a courtesy, you may wish to inform the employer about the survey with updates on its progress (the sample letter is in Fig. 3).
- If there is a JHSC, worker health and safety representatives, or other union representatives in the workplace, how will these groups be informed and engaged? (the sample letter is included in the COPSOQ Survey Materials on the MIT landing page). It may be valuable to get their “buy-in” and endorsement at an early stage.
- Make sure you have a plan to make workers aware of what is going on and of what to expect — about the efforts to identify and address the issue — and gain their support and involvement in reporting circumstances to their supervisors/employers and in filling out the COPSOQ. Setting an actual timeline with dates specified will help (it can always be revised if you miss a deadline). It is important to include a written statement assuring anonymity and confidentiality if they choose to complete the voluntary survey.
- Make preparations in anticipation of the results. Look for resources ahead of time so when you find out the main issues, you’re prepared with possible solutions.
- Consider who can help you.

Do you have a JHSC or health and safety representative? If so — involve them.

Are you unionized? If so, involve the union and tap into its resources and support.

What about OHCOW? OHCOW is a multi-disciplinary team of occupational health professionals in five service areas across the province that help Ontario workers link workplace causes to health outcomes.

- Review the resources and links available in this resource.

Controlling the psychosocial hazards

Once you have identified and assessed the problem using a tool such as the COPSOQ questionnaire, it is time to take actions to control the problem.

First, you will analyze and communicate the results and develop solution ideas.

By this stage you will have coordinated with OHCOW to have assistance in obtaining the COPSOQ results from your workplace. An online survey program makes it easy to generate a report to summarize results.

Report the results of the survey to the workers who filled it out.

- Arrange to discuss your report with OHCOW so that you and your group or committee understand it fully.
- Create written material (such as the draft in this resource kit) to use in a report-back meeting with workers where you will share the results.
- Conduct a meeting with workers to share results and provide them with your prepared written material. At the meeting, ask for ideas from the workers on possible solutions to resolve the psychosocial hazards that can be part of the next stage of making recommendations to the employer. Workers always know their job best, and they know what improvements are needed to fix problems. You can invite a representative from OHCOW to this meeting and if available, they will be glad to attend and assist you to explain and present the results.
- Assure workers that you will follow up on these results with the employer, and tell them how you plan to do it (JHSC, union processes, special meetings, written recommendations, etc).
- Promise to update workers as the process proceeds.
- You also need to gather all possible information available at the workplace about how the employer's policies and procedures impact on what you found. You need to know what exists in the workplace already before you can figure out what to recommend. Workers have a right to know what the employers policies and procedures are regarding health and safety, so ask for copies if you don't have them. Gather other workplace information such as work policies, job descriptions, lost time data, WSIB information, EAP totals, or any other information to help in the analyzing process.

Striving for change

In this step, you take what you found to the employer and ask for changes to be made. You now have an idea of what the main three workplace factors are that are affecting the health symptoms of the workers. You have asked, received, and collated worker ideas for addressing these factors. You have reviewed documents (and incident history) from within the workplace that can shed light on what protections and focus may already be under consideration. Now you will use all the meeting and communication forums at your disposal to work with the employer for solutions.

- Your group or committee can write a letter to the employer describing the information you have gathered and ask them to meet with you to discuss your listed recommendations. Ideally, the letter can be from the worker members of the JHSC or

health and safety representative, but it can also be done by a group of workers or a union local. See Fig. 6 for a sample letter.

- The worker members of the JHSC can put the item on the agenda for the next committee meeting and present the results and recommendations at the meeting. Doing this will ensure that the issue is logged in the minutes of the meeting, and may be an effective forum for gaining the employer's involvement and cooperation in the process. If your local is too small for a committee, the worker health and safety representative can make written recommendations to the employer for you. In both cases, once the employer receives written recommendations, they must reply in writing within 21 days with a timetable for implementation or reasons why they don't agree with the recommendations. See Fig. 4 and 5 for recommendations.
- Continue to work to implement recommendations.

Sample Solutions

The following are some examples of solutions that were found in the ILO *Stress Prevention at Work Checkpoints: Practical improvements for stress prevention in the workplace* (International Labour Office, 2012).

http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_168053.pdf

We've taken three of the most common workplace factors (high workload, bullying, and work involving emotionally disturbing situations) and extracted some of the ILO (and Danish Labour Inspectorate) suggestions:

Possible solutions for high workload

In general the ILO document suggests the following broad areas for intervention (International Labour Office, 2012):

- adjust the total workload;
- prevent excessive demands per worker;
- plan achievable deadlines;
- clearly define tasks and responsibilities;
- avoid under-utilizing the capabilities of workers.

Specifically Checkpoint 6 deals with adjusting the total workload:

"Adjust the total workload taking into account the number and capacity of workers."

1. Assess individual and team workloads
2. Taking into account individual differences, adjust workloads accordingly
3. Add additional workers as needed
4. Reduce unnecessary tasks such as excess paperwork

5. Reduce interruptions
6. Change work process to streamline work requirements

Solutions for bullying (and other offensive behaviours):

In general the ILO document suggests the following broad areas for intervention (International Labour Office, 2012):

- establish an organizational framework concerning offensive behaviour;
- organize training and raise awareness;
- establish procedures and action models;
- provide rapid intervention to help those involved;
- organize work areas/locations so as to protect workers from offensive behaviour.

Solutions for work involving emotionally disturbing situations:

The following prevention ideas are from a Danish document (*Guidance Tool for Hospitals*) that helps workplace inspectors assess psychosocial hazards and also provides ideas about solutions (Swedish Work Environment Authority B, 2012):

- Feedback, coaching and acknowledgement from colleagues and managers
- Specific objectives for work (when is the work result good enough/success criteria?)
- Possibility of withdrawing (a place for privacy)

Fig. 3 – Sample Letter to Employer to Give COPSOQ Update

Dear _____

The purpose of this letter is to report that psychosocial hazards at work create negative impacts on worker health and safety and to request that the employer prevent these negative effects by addressing the psychosocial hazards that cause them. Doing so will help sustain the business by having healthier employees, reduce costs due to absenteeism and presenteeism, increase morale, reduce legal burdens and costs, become an employer of choice and attract the best talent, set examples as leaders in business, improve overall community, and the list goes on. Indeed, prevention of psychosocial hazards helps meet employers' duties under occupational health and safety legislation to take reasonable precautions to protect workers' health and safety. While efforts are made in this workplace to provide support to workers beginning to feel effects, or after they are suffering (i.e. EAP), we believe that it is important to address both the causes and effects.

We would like to work with you to develop a preventative strategy that could identify and address these issues that lead to mental health concerns.

We are pleased to share the results of a survey we did of our workers in an effort to identify what we can work with you on to improve the mental and physical health and well-being of workers at our workplace. We used the Copenhagen Psychosocial Questionnaire (COPSOQ), which relates sources of workplace stress to workers' self-reported health symptoms and to general health experiences. The purpose of using the survey is to see which stress factors are the leading contributors to workers' health symptoms. Identifying the top three factors will allow us to focus efforts on preventing the negative health outcomes.

Our survey results indicate that _____, _____, and _____ are the workplace factors most impacting workers health.

We trust that you agree that anything we can do to improve health and safety outcomes in a workplace is a positive step. It is our hope that a concerted, co-operative effort to examine, discuss, address, and prevent any workplace factors that cause or contribute to mental distress will result in better outcomes for all.

Yours Truly,

Signed

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 |
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| Demands | <ul style="list-style-type: none"> • Quantitative demands (insufficient staff) • Unreasonable Work pace • Excessive emotional demands |
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| 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.

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.
- 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 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

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

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.

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

- 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

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 and Occupational Health Clinics for Ontario Workers (OHCOW) at 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

- 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

- 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

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"> • Insufficient staff • Unreasonable work pace • Need for role clarity | <p>1. Employer, in consultation with the JHSC,</p> <ul style="list-style-type: none"> • Apply the Union COPSOQ survey to the entire workplace. • Use the survey results, and illness/injury reports, to identify workers and units at risk of exposure to: <ul style="list-style-type: none"> • Insufficient staff • Unreasonable work pace • Need for role clarity (and any other significant psychosocial hazard identified in the survey) • Consider engaging the Occupational Health Clinics for Ontario Workers (OHCOW) to assist. • 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. • In developing measures, procedures, equipment, and training, apply the hierarchy of controls, beginning with eliminating hazards where possible. |
|---|--|

(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 _____

PSYCHOLOGICAL SAFETY ACTION PLAN TIP SHEET FOR UNION LEADERS

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) <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.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42

Your Role

As a workplace leader, your role is to expose problems, champion best practices, join with others, give voice to others, and advocate for workers to achieve justice with respect to psychological safety in the workplace.

Actions to Take

LEAD and JOIN TOGETHER

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.

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.

Investigate and make recommendations

If a workplace is unionized, leaders should:

- identify psychosocial hazards (see Fig 2) via reports from the workers and the JHSC or worker HSR and report to the supervisor/employer
- bring together sources and JHSC members/HSRs to ensure unresolved psychosocial hazards are investigated by the JHSC or worker HSR

- ensure evidence is gathered to support assertions. Use the [COPSOQ](#) where appropriate.
- ensure action plan developed based on evidence gathered
 - identify the cause(s) of mental distress in the workplace
- use grievances, JHSCs, and other forums as appropriate to recommend courses of action to the employer that may include the following elements (e.g. in Ontario as a written recommendation from the JHSC as per sections 18 and 19.1 of the Occupational Health and Safety Act (1990)):

http://www.elaws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm#BK42

- develop prevention program
- clarify reporting mechanism for workers suffering from 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)
- training on psychosocial hazards for JHSC or worker HSR and supervisors
- training on psychosocial hazards for workers
- worker access to medical intervention and workplace support and reintegration
- consider workplace sub-committee (of the JHSC) for psychosocial hazards
- consider negotiating language about psychologically safe workplace
- watch out for precarious workers who have no “voice” and join together with them
- ensure vulnerable injured workers are protected from premature return to work that may cause or aggravate psychological stress and/or physical injury
- join with other bargaining units, locals, worker groups, etc. to share information, strategies, momentum etc.

UNIONS CAN CALL 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. Find how to contact the Ministry of Labour here:

http://www.labour.gov.on.ca/english/about/reg_offices.php