

ATU-Canada Wants Amendments to the Criminal Code

“Operators recognized that although many elements are beyond control, an improved sense of control and reduction of hazard may be obtained through legislative support. At every local, operators identified a connection between safety and legislation and felt that laws to protect would increase the feelings of security in his or her workplace.” (ATU-Canada/ATU Local 741, National Operator Assault Survey, 2005.)

Despite the important public service they provide and the accompanying risks they face on the job everyday, transit and inter-city bus workers receive very little protection under federal and provincial laws. While the Canadian government subjects a person who assaults an airline pilot or a flight attendant to federal penalties, the same deterrent is not applied to those who attack the public transit and inter-city bus workers who transport us daily. Likewise, most provincial laws treat such attacks only as simple misdemeanor assaults.

ATU-Canada is vigorously lobbying federal and provincial governments to make amendments to their criminal codes. We would like a minimum sentence (with no plea-bargaining option) imposed on anyone who assaults a public transit or inter-city bus worker. The ATU is currently considering a variety of tactics to spur both levels of government to act on this *immediately* as we refuse to wait until someone is killed while performing their duties as a bus operator.



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Use it...



Or lose it!

A guide to the right to refuse unsafe work in relation to the threat of violence for ATU-Canada locals.

The threat of violence is grounds for work refusal.

Use it or Lose it!

The expression 'use it or lose it' has a particular meaning for ATU members. It means that you should use your right to refuse unsafe work in the presence of immanent or actual violence so that you do not lose your temper, your job or, your life.

"A city bus driver was viciously beaten in the face by a 15-year-old girl after he asked her to get off the bus for misbehaving, police say." *Guelph Mercury, Oct. 8, 2004.*

"Transit workers are service workers who are at risk for violence in the workplace and, according to a 1994 study, they rank ninth among occupations for the greatest risk for violence. Furthermore, jobs that involve working with the public create a potentially unsafe environment, increasing exposure to violence for employees. These job-descriptive tasks include: handling of money and fares, dealing with the public (who are often frustrated), working in a unsheltered environment, creating waiting times (e.g. passengers having to wait for transportation), enforcing fares, and dealing with complaints about service." (ATU-Canada/ATU Local 741, National Operator Assault Survey, 2005)

"An object thrown at a bus shattered the windshield. It ended up with glass going in the driver's eye." *The Telegram (St. John's, NL),*

What Can I Do?

Every Occupational Health and Safety Act in Canada contains language that says that a worker may refuse work when he or she has reason to believe that their health and/or safety will be

endangered in the performance of that work.

The threat of violence constitutes a legitimate reason to refuse work. Transit and inter-city bus operators are subject to verbal abuse and physical assaults ranging from spitting to assault with a deadly weapon. **You do not have to tolerate any form of verbal abuse or physical assault. You cannot be disciplined for acting in compliance with any of the health and safety acts.**

"I was spat on on the Jane Street [bus]. I simply asked him to pay the proper fare and he spat on me and ran away." *Surinder Rai, TTC driver, Oct. 16, 2005.*

If you feel threatened:

- Take steps to remove yourself from or avoid the hazardous situation/environment, **Notify your supervisor immediately and refuse to continue the work** until the situation has been resolved or the environment made safe.
- When refusing **quote the relevant federal or provincial statute** (i.e. section 45 of the Occupational Health and Safety Act for Newfoundland) that is provided on the Right to Refuse Unsafe Work card for your jurisdiction. This obligates the employer to start the investigation process with a paper trail.
- Activate any alarms or panic buttons if present and/or call 911 if you have access to a phone. If you're in a vehicle that has a radio use it to call for help.
- Defend yourself within reason.
- Do not chase or confront a potentially violent person. Let your supervisor and/or the police handle it.
- If you feel shaken by the incident do not re-

turn to work until you feel composed and confident.

- Contact your union representative to notify them of your work refusal.

Bus drivers in Winnipeg have suffered 20 physical assaults on the job in the last year. *Winnipeg Free Press, April 24, 2005.*

What Can My Employer or Union Do?

Locals are encouraged to form a joint labour-management committee to deal with the issue of violence. Such a committee can encourage employers to:

- Formulate a zero tolerance policy on violence in the workplace.
- Conduct studies/polls of union members to determine the prevalence of violence in their transit system.
- Provide proper training in self-defense, dealing with violence, stress management and post-traumatic counseling.
- Increase security personnel, install driver's shields, cameras and investigate the use of "Spit-kits", DNA swabs that are used to collect saliva. Offenders have been convicted of assault with this evidence.



Police closed off the area after the driver of the TTC bus was shot in the face late Saturday night. *CTV News, Oct. 16, 2005*