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GENERAL MANUAL POLICY

APPROVED BY:



Executive Director

CATEGORY: Health & Safety

TOPIC: Refusal to Work

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POLICY

It is the policy of Community Living Thunder Bay that in certain situations an employee can refuse to perform the work that is requested.

PURPOSE

To ensure the health and safety of the worker.

To ensure compliance with the Occupational Health and Safety Act.

RESPONSIBILITY

It is the responsibility of the worker to initiate a work refusal.

Initial: AB

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PROCEDURE:

1. Any person employed with Community Living Thunder Bay may refuse to work or do particular work except in circumstances which are inherent in the work they perform or in cases which put an individual at risk.
2. A worker may also refuse to work or do particular work where he/she has reason to believe that:
 - a) any equipment, machine, device or thing he/she is to use or operate is likely to endanger himself, herself or another worker;
 - b) The physical condition of the workplace or the part thereof in which he/she works or is to work is likely to endanger himself, herself or another worker; or
 - c) any equipment, machine or device or thing he/she is to use or operate or the physical condition of the workplace or the part thereof in which he/she works or is to work is in contravention of the Act or the Regulations and such contravention is likely to endanger himself, herself or another worker.
3. When a worker refuses to do the work requested he/she must initiate the "work refusal" by reporting the reasons/circumstances to the Employer or Supervisor.
4. The Employer or Supervisor will investigate the report in the presence of the worker and if there is such, in the presence of one of the following:
 - a) a committee member who represents workers, or a worker because of knowledge, experience and training is selected by a trade union that represents the worker; or
 - b) a committee member who represents management
5. The worker must remain in a safe place near his/her workplace until the investigation is completed.
6. If required corrective action will be taken to eliminate the problem, the worker returns to work.
7. If after the investigation or steps taken to deal with the circumstances that cause the worker to refuse to work or do particular work, the worker still has reasonable grounds to believe that
 - a) the equipment, machine, device or thing that was the cause of the refusal to work or do particular work or do particular work continues to be likely to endanger himself, herself or another worker;
 - b) the physical condition of the workplace or the part thereof in which he or she works continues to be likely to endanger himself or herself; or

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- c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention continues to be likely to endanger himself, herself or another work,

the worker may refuse to work or do the particular work and the employer of the worker or a person on behalf of the employer or worker shall cause an inspector to be notified thereof.

- 8. A Ministry of Labour Inspector will investigate the work refusal in the presence of the worker, the employer or person representing the employer, and the person mentioned in 4 a) or b).
- 9. Pending results of the Ministry of Labour investigation, the worker will remain in a safe place near his/her work station or will be assigned alternative work by the employer during the worker's normal working hours unless the employer, subject to the provisions of the collective agreement, if any,
 - a) assigns the worker reasonable alternative work during such hours, or
 - b) subject to section 50 of OHSA, where an assignment of reasonable alternative work is not practicable, gives other directions to the worker.
- 10. Pending results of the Ministry of Labour investigation, another worker may be assigned the work so long as he/she is advised of the other worker's refusal and of the reasons for the refusal in the presence of the person mentioned in 4 a) or b).
- 11. The Ministry of Labour Inspector will advise the employer, the worker and if there is such, the person mentioned in 4 a) or b) of his/her decision in writing.
- 12. Once the decision is received from the Ministry of Labour Inspector
 - a) corrective action is taken, or
 - b) the worker returns to work, or
 - c) both

