

THE WORK REFUSAL PROCESS

PRE-STEP: Worker reports to his or her employer or supervisor

- a) The absence of or defect in any equipment or protective device of which the worker is aware and which may endanger himself, herself, or another worker.
 - b) Any contravention of the Occupational Health and Safety Act or Regulations or the existence of any hazard of which he or she knows.
- Occupational Health and Safety Act Section 28(1)(c) and (d)*

IF A FAVOURABLE AND TIMELY SOLUTION CANNOT BE REACHED THEN WORKER PROCEEDS WITH THE FOLLOWING WORK REFUSAL STEPS.

For additional detail see Occupational Health and Safety Act Section 43

NOTE: This section of the Act does not apply to a teacher where the circumstances are such that the life, health, or safety of a pupil is in imminent jeopardy.

O.Reg. 857 (3)(3)

Worker refuses to work because he/she has reason to believe that:

- a) Equipment or devices the worker is to use or operate are likely to endanger;
- b) The physical condition of the workplace is likely to endanger himself or herself;
- c) Workplace violence is likely to endanger himself or herself; or
- d) Equipment or devices the worker is to use or operate or the physical condition of the workplace is in contravention of the Occupational Health and Safety Act and is likely to endanger himself or herself, or another worker.

Occupational Health and Safety Act Section 43(3)(a, b, b.1, c)

Worker reports circumstances of the work refusal to his/her supervisor or employer.

Occupational Health and Safety Act Section 43(4)

Designated Certified Worker Representative is called in.

Occupational Health and Safety Act Section 43(4)(a, b, c)

Worker remains in safe place near work station.

Occupational Health and Safety Act Section 43(5)

Employer or supervisor investigates in the presence of the worker and Designated Certified Worker Representative. Additional assistance may be requested from the Board Office.

Occupational Health and Safety Act Section 43(4)

Does the supervisor or employer agree that the work is likely to endanger the worker's health or safety?

YES

NO

Supervisor takes corrective action.

Worker returns to work.

See Occupational Health and Safety Act Section 43 on further appeals

Does the worker still have reasonable grounds to believe the work endangers health or safety?
Occupational Health and Safety Act Section 43(6)

NO

Worker returns to work.

YES

Ministry of Labour Inspector is called. Worker may be assigned reasonable nearby alternative work.

Occupational Health and Safety Act Section 43(6&10)

Another worker may be asked to complete the work in question, however they must be advised in the presence of the Designated Certified Worker Representative of the other workers refusal and reasons for refusal.

Occupational Health and Safety Act Section 43(11&12)

Inspector investigates in consultation with the worker, supervisor or employer and Designated Certified Worker Representative.

Occupational Health and Safety Act Section 43(7)

Written decision is issued by Inspector.

Occupational Health and Safety Act Section 43(9)

Not likely to endanger?
Worker returns to work.

Likely to endanger?
Corrective action as ordered.



Peterborough Victoria
Northumberland and Clarington
Catholic District School Board