

STATEMENT of POLICY and PROCEDURE			
Chapter:	Human Resources	SPP No.	<b>HR 6.18.ON</b>
Section:	Health and Safety	Issued:	Dec. 2, 2019
Subject:	<b>RIGHT TO REFUSE UNSAFE WORK</b>	Effective:	Jan. 1, 2020
Issue to:	All Manual Holders	Page:	1 of 3
		Replaces	HS-05
Issued by:	Community Resource Centre	Issued:	Feb 2017

## 1 POLICY

1.01 In accordance with the *Occupational Health and Safety Act*, in the event that a **Community Resource Centre** employee encounters unsafe working conditions, or where the required equipment, tools or machinery present a serious health and safety concern, the employee shall have the right to refuse any work that they believe to be unsafe.

## 2 PURPOSE

2.01 The purpose of this Statement of Policy and Procedure is to establish the right of employees to refuse unsafe work, in accordance with the *Occupational Health and Safety Act*.

## 3 SCOPE

3.01 This Statement of Policy and Procedure applies to all employees, vendors, visitors and clients who are on the premises or acting on behalf of the CRC at all times and without exception.

## 4 RESPONSIBILITY

4.01 Supervisors are responsible for:

- (a) ensuring employees are working in a healthy and safe environment.

4.02 Employees are responsible for:

- (a) reporting health and safety concerns to their immediate supervisor.

## 5 DEFINITIONS

5.01 “**Imminent Danger**” is defined in relation to any occupation as:

- A danger that is not normal for that occupation, or
- A danger under which a person engaged in that occupation would not normally carry out the person's work.

## 6 REFERENCES AND RELATED STATEMENTS of POLICY and PROCEDURE

*Occupational Health and Safety Act (OHSA) (Ontario)*

## 7 PROCEDURE

### 7.01 Determining the right to refuse work

Any CRC employee can refuse to work if they have a reasonable belief that one or more of the following situations exist:

- Machinery, equipment or tools required in the performance of job duties present a safety hazard and their use may cause an injury to the worker or those

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nearby.

- The working conditions are unsafe, and may cause an injury to the worker or those nearby.
- The workplace conditions or machinery, equipment or tools represent a violation of the *Ontario Occupational Health and Safety Act* regulations, and represent a physical danger the health and safety of the worker or those nearby.
- The worker has a reasonable expectation that the work would place them in danger of physical violence.

#### 7.02 **Work Refusal Procedure**

In the event of work being refused or stopped, the following actions are required of employers and employees, as per the guidelines stated by the Ontario Ministry of Labour:

- 1) Employees
  - a) Inform your supervisor or manager of the work refusal immediately and provide an explanation detailing the rationale behind the refusal.
  - b) Stay nearby in a safe place until an investigation has been completed.
  - c) In the event that you are unsatisfied with the results of the investigation, you may continue to refuse the work provided where you have reasonable grounds to base the continued refusal on.
  
- 2) Management/Supervisors
  - a) CRC management or supervisors shall conduct an investigation into the situation immediately after learning of the refusal shall work to find an effective, safe and mutually agreeable resolution to the issue in the presence of the worker and one of the following:
    - Health and safety representative
    - Another worker that has been chosen by his peers to represent the workers
  - b) In the event that an employee is unsatisfied with the resolution and continues to refuse the work, CRC management or supervisors must contact a Ministry of Labour (MOL) inspector and notify them of the situation, and request that they provide assistance.
  - c) While awaiting the arrival and findings of the MOL inspector, CRC management or supervisors may assign other reasonable work during normal work hours for the employee that has refused work.
  - d) The MOL inspector will conduct an investigation to determine if the work is either safe or unsafe, and whether it presents a danger to the health and safety of the employee. The findings of the investigation must be provided in writing, to the CRC employee, CRC management or supervisor, and the health and safety representative. In the event that the work is determined to be safe, the employee shall be expected to return to work.

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### 7.03 **Continuing Work That Has Been Refused**

1. In the event that work continues to be refused (after CRC management has investigated the situation and provided a resolution to the issue), CRC management or supervisors may ask another worker to perform the refused work while waiting for the inspector to investigate and give a decision on the continued refusal.
2. Where a second worker is asked to perform work that has been refused, the second worker must be informed of the initial work refusal, and the reasons for the refusal. This information must be provided in the presence of a health and safety representative.
3. The second worker also has the right to refuse the work.

### 7.04 **Payment for Refused Work**

1. The Ontario Labour Relations Board (OLRB) has provided a ruling such that a refusal to work allows the worker entitlement to payment at their appropriate rate.
2. A person acting as a worker representative during a work refusal is paid at either the regular or the premium rate, whichever is applicable.
3. The CRC is not required to continue payment in the event that the refused work has been inspected and ruled safe by a Ministry of Labour inspector.

### 7.05 **Discipline for Refusal to Work**

CRC employees will not be disciplined for refusing to work if they have a reasonable belief that the work is unsafe or could endanger themselves or others.

CRC employees are required to work in accordance with the regulations set forth by the *Ontario Health and Safety Act*, and have the rights to seek their enforcement.

The CRC shall not penalize, dismiss, discipline, suspend or threaten to do any of these things to a worker who has obeyed the law, and regulations of the OHS Act.

In the event that a work refusal was made in bad faith, or if the worker continues to refuse the work after the Ministry of Labour inspector finds that the work is unlikely to endanger the worker, the CRC may elect to utilize disciplinary action(s) up to and including termination of employment with cause.