



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES

WORK REFUSAL

PURPOSE

Any employee of the Huron-Superior Catholic District School Board (the board) can refuse to work if they have a reasonable belief that one or more of the following situations exist:

- Any equipment, machine, device, or thing the worker is to use or operate is likely to endanger himself, herself, or another worker;
- The physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- Workplace violence is likely to endanger himself or herself;
- 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 the OHS or regulations and such contravention is likely to endanger himself, herself, or another worker.

PROCEDURES:

Health and Safety Complaint:

In the event that a worker raises a health and safety concern or complaint to their supervisor, the supervisor shall:

1. Investigate in the presence of the worker and establish with the worker whether a health and safety issue exists and if it is a complaint or work refusal;
2. If determined to be a health and safety complaint and the task is unsafe, the supervisor shall undertake immediate corrective action and notify Human Resources, if deemed necessary.

Work Refusal:

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 (MOL):

Employees

1. Inform your supervisor of the work refusal immediately, and provide an explanation detailing the rationale behind the refusal;
2. Stay nearby in a safe place until an investigation has been completed;
3. 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.

Supervisor

1. The Supervisor shall conduct an investigation into the situation immediately after learning of the refusal and shall work to find an effective, safe, and mutually agreeable resolution to the issue in the presence of the worker and a Certified Joint Health and Safety Committee (JHSC) Worker Member;
2. In the event that an employee is unsatisfied with the resolution and continues to refuse the work, the Supervisor will contact the Manager of Human Resources who then must contact a MOL inspector and notify them of the situation, and request that they provide assistance;
3. While awaiting the arrival and findings of the MOL inspector, the Supervisor may assign other reasonable work during normal work hours for the employee that has refused work;
4. The MOL inspector will conduct an investigation to determine if the work is either safe or unsafe and presents a danger to the health and safety of the employee. The findings of the investigation must be provided in writing, to the employee, the 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.

Continuing Work That Has Been Refused:

1. In the event that work has been refused, the supervisor has investigated the situation, the supervisor has provided a resolution to the issue, and the worker continues to refuse the work, then the supervisor 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 the applicable union representative;
3. The second worker or any other worker asked to perform the work also has the right to refuse the work.

Payment for Refused Work:

- A person acting as a worker representative during a work refusal is paid at their regular rate of pay.
- The Board is not required to continue paying employees who have refused work, in the event that the refused work has been inspected and ruled safe by a MOL inspector.

Discipline for Refusal to Work:

- 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.
- Employees are required to work in accordance with the regulations set forth by *the Act*, and have the right to seek their enforcement.
- The board 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 Act*.