



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES

WORK REFUSAL

Background

Employees (workers) 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:

- a) Any equipment, machine, device, or thing the worker is to use or operate is likely to endanger themselves, or another worker;
- b) The physical condition of the workplace or the part thereof in which the person works or is to work is likely to endanger themselves;
- c) Workplace violence is likely to endanger themselves;
- d) Any equipment, machine, device, or thing the worker is to use or operate or the physical condition of the workplace or the part thereof in which the worker works or is to work is in contravention of the Occupational Health and Safety Act (the Act) or regulations and such contravention is likely to endanger themselves, or another worker.

There is a limitation on a teacher's right to refuse unsafe work. Teachers may not exercise this right if in doing so the teacher places the life, health or safety of a student in imminent jeopardy.

Related Documents

[Ontario Occupational Health and Safety Act, R.S.O. 1990](#)

Work Refusal Infographic

Training

The Board shall provide training to all workers on the work refusal process

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 the Health & Safety Officer, if deemed necessary.

Work Refusal:

In the event of work being refused or stopped, the following actions are required of employers and workers, as per the guidelines stated by the Ontario Ministry of Labour, Immigration, Training and Skills Development (MLITSD) and supported by the Board's Joint Health & Safety Committee Multi-Site Agreement

The work refusal process involves two stages, stage 1 and stage 2. A stage 1 work refusals is an internal review with the involvement of a supervisor. If the concern about unsafe work is unresolved following the investigation, the refusal will move to stage 2 triggering a formal escalation and involvement of an MLITSD Inspector. A stage 1 investigation must be completed prior to moving to stage 2.

Workers:

- Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to their supervisor.
- Until the investigation is completed, the worker shall remain,
 - a) in a safe place that is as near as reasonably possible to their workstation,
 - b) available to the supervisor for the purpose of the investigation.
- The employer may assign the worker reasonable alternative work during the worker's normal working hours.
- In the event that the worker is unsatisfied with the results of the investigation (Stage 1), the worker may continue to refuse the work provided where the worker has reasonable grounds to base the continued refusal on. The work refusal will then proceed to Stage 2.

Supervisors:

- 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;
- In the event that a worker is unsatisfied with the resolution (Stage 1) and continues to refuse the work, the Supervisor will contact the Health & Safety Officer who then must contact a MLITSD Inspector and notify them of the situation, and request that they provide assistance (Stage 2);
- While awaiting the arrival and findings of the MLITSD Inspector, the Supervisor may assign other reasonable work during normal work hours for the worker that has refused work;

- The MLITSD Inspector will investigate to determine if the work is either safe or unsafe and presents a danger to the health and safety of the worker. The findings of the investigation must be provided in writing, to the worker, the supervisor, and the health and safety representative. If the work is determined to be safe, the worker shall be expected to return to work.

Continuing Work That Has Been Refused:

- 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.
- 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.
- 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 workers who have refused work, if the refused work has been inspected and ruled safe by a MLITSD inspector.

Discipline (Reprisal) for Refusal to Work:

- Workers 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;
- Workers 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*.