



WORK REFUSAL

Subject: Procedures and Guidelines for Work Refusal

Applies to: All employees

Pages: 3

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Supersedes: July 2006

Prepared and Approved by: Occupational Health and Safety

1. Purpose

The purpose of this procedure is to ensure that all employees are working in an environment where their health and safety is not in danger.

Definition:

- A worker has the Right to Refuse Work, if the worker believes that a specific task requested of them is unsafe or hazardous to them or to others, under the Occupational Health & Safety Act (section 43.(3)).

2. Notification

- *Supervisor* – The worker reports directly to the Supervisor, indicating that he/she is refusing to work because of unsafe conditions. The Supervisor must then take the appropriate corrective actions.
- *Occupational Health and Safety Consultant* – Supervisors must report work refusals to an OH&S consultant so that they can assist with the investigations.
- *Joint Health and Safety Committee Member* – The OH&S consultant must contact a member of the JHSC so that one is present for the investigation.
- *Ministry of Labour* – The MOL will be contacted in those cases where the investigation team cannot agree upon a resolution and the worker is still refusing work.

3. Procedure

1. A work refusal is initiated by an individual employee. The worker reports the reason to his/her supervisor, indicating that he/she is refusing to work because of unsafe conditions, and remains in a safe place.
2. The worker's supervisor must report the work refusal to Occupational Health and Safety (OHS) who will advise a worker member of the Joint Health & Safety Committee (JHSC). The Supervisor and an OHS Safety Consultant must investigate immediately in the presence of the employee and a worker representative from the respective Joint Health & Safety Committee (JHSC) who, if possible, is a certified representative. No other person can perform the work.
3. The first priority is to verify that a work refusal is in progress and to find out why the employee has refused.
4. The Supervisor interviews the worker in the presence of the JHSC member and the OHS Safety Consultant, and completes the attached form to ensure that sufficient information has been collected to make a proper investigation.
5. If the investigation team agrees that an unsafe condition exists, the Supervisor resolves problem and notifies the employee that it is safe to return to work.
6. If the investigation team cannot agree that the situation is no longer unsafe, and the employee continues to refuse, the worker stays in a safe place close by the worksite. At this point, the Ministry of Labour (MoL) must be contacted.
7. The OHS Safety Consultant contacts the MoL for further investigation.
 - a. The MoL Inspector investigates the situation in the presence of all parties.
 - b. The worker may be assigned alternative work pending investigation and decision.
8. The MoL Inspector issues a written decision to Western University.
 - a. OHS posts the orders and provides copies of same as required under the Occupational Health & Safety Act.
 - b. The worker returns to work following completion of required action(s).
9. **Note:** No reprisals are allowed to be taken against any worker for exercising his or her right to refuse work. *Section 50 of the Occupational Health & Safety Act.*

WORK REFUSAL REPORT

Section A. Employee Completes this Section		
Name of Employee:	Time:	Date:
Name of Supervisor:		
Location of Work Refusal:		
Task Assigned:		
Employee Comments:		
Employee Signature:		
Section B. Supervisor Completes this Section		
Date of Investigation:	Time of Investigation:	
Supervisor's Observations After Investigation:		
Action Recommended:		
Supervisor's Signature:		
Section C. JHSC Member Completes this Section		
JHSC member Observations After Investigation:		
Employee and JHSC Member satisfied that concerns have been resolved: yes () no ()		
Action Recommended:		
JHSC Member Signature:		
OHS Completes this Section		
MoL Required yes () no ()		
Date Called:	Time Called:	
MoL Investigator:	Orders written: yes () no () Ref. #	