

Right to Refusal Procedures

Revised: June 2010

Effective date: June 2010

Supersedes:

Purpose:

The purpose of this policy is to provide procedural guidelines in accordance with the Occupational Health and Safety Act of Ontario as it relates to work refusals. It is the policy of the company to resolve health and safety concerns before a work refusal occurs and provide a uniform reporting procedure.

Scope:

The Occupational Health and Safety Act gives a worker the right to refuse work that he or she believes may endanger them or another worker.

A worker can refuse to work if the worker has reason to believe one or more of the following:

- 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; or
- workplace violence is likely to endanger himself or herself; or
- 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 Act or regulations and such contravention is likely to endanger himself, herself or another worker.

The OHSA sets out a specific procedure to be followed by workers, supervisors/managers and JHSC members in a work refusal. The work refusal procedure should only begin after a worker has made a complaint to a supervisor about a health and safety concern. Refer to the Work Refusal Process flow chart for more detail.

Applicability

These procedures apply to everyone at Community First Developments Inc/ Comfield Property Management including employees, students, volunteers, subcontractors and management, involved in providing services on behalf of the company.

Procedure

Where a worker raises a health and safety concern or complaint to their Supervisor, the Supervisor will:

Right to Refusal Procedures

Revised: June 2010

Effective date: June 2010

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1. Investigate in the presence of the worker and establish with the worker whether a health & safety issue exists and if it is a complaint or work refusal.
2. If determined to be a safety complaint and the task is unsafe the Supervisor will commence immediate corrective action to minimize or eliminate the potential safety risk.

Work Refusal:

Workers have the right to refuse work which they have reason to believe is unsafe. As per the Occupational Health & Safety Act a worker may refuse to work or do particular work where he/she or another worker may be endangered by,

- equipment, machine, device or things; or
- physical condition of the workplace; or
- workplace violence is likely to endanger himself or herself; or
- equipment, machine, device or thing that is to be used or the physical condition of the workplace is in contravention of the Act or Regulations and may endanger himself /herself or another worker

Should there be a work refusal the following procedures apply:

Stage 1:

1. Worker has reason to believe work or task is unsafe.
2. The worker will report the issue to the Manager/Supervisor (preferably in writing) and should outline the worker's reason(s) for believing the work to be unsafe.
3. The worker will remain in a safe place near his or her work station.
4. The Manager/Supervisor will investigate in the presence of the worker, or a member of the Joint Health & Safety Committee,
5. The Manager/Supervisor will respond to the worker in writing, outlining remediation timelines, if applicable. If there will not be a remediation plan, the reasoning behind it.
6. Should the issue be resolved and corrective action taken, if required, the worker shall return to work. If the issue is not resolved proceed to Stage 2.

Stage 2:

Right to Refusal Procedures

Revised: June 2010

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1. Following the investigation, should the worker have reasonable grounds to believe that the work or task continues to be unsafe, they must remain in a safe place near his or her work station and a Ministry of Labour shall be notified.
2. Refused work may be offered to another worker. This worker shall also be advised of the other worker's refusal and his/her reasons for the refusal.
3. The Ministry of Labour Inspector shall investigate in consultation with the Company, the worker and Human Resources.
4. The Inspector shall give his or her decision, in writing, as soon as is practicable to all involved parties and any applicable changes can be made in order to return the worker to their duties.

Note: no reprisals are allowed to be taken against any worker for exercising their right to refuse work.

Documentation:

The documentation for a work refusal will include the following information:

1. name and employee number of the worker refusing the work
2. date and time of work refusal notification
3. Supervisor's name
4. workers reason for work refusal
5. investigation notes from Supervisor and result
6. time a Ministry of Labour Inspector was contacted and the time the Inspector arrived and departed
7. results of any decision made by a Ministry of Labour Inspector
8. signature of all affected parties

Policy No.	Page - of -
Right to Refusal Procedures	
Revised: June 2010	Effective date: June 2010
Supersedes:	

Report of Safety-Related Refusal to Work

Name and position of employee(s): (attach separate list as appropriate)

Date: _____

Time refusal reported: _____

Reasons reported for refusal: (include full details of nature of alleged hazard and when first noticed; attach statements of supervisor and workers)

Supervisor receiving report: (name)

Name of worker representative called(if applicable): (or reason for unavailability)

First-stage investigation results: (include full details of conditions observed, concerns noted and steps taken to remedy)

Time second-stage refusal reported:

Policy No.	Page - of -
Right to Refusal Procedures	
Revised: June 2010	Effective date: June 2010
Supersedes:	

Reasons reported for second-stage refusal: (full details)

Time ministry inspector contacted: (include office contacted, what advised)

Alternative work or other directions given refusing employee(s): (include results)

Ministry inspection details: (full details of ministry findings -- attach report or orders issued, and any remedial action taken)

Other employee offered the same work: (attach that worker's signed statement of being advised of the refusal)

Details of any continuing refusal: (include reason given)

**Copies: Site Manager
Human Resources**