



HEALTH AND SAFETY WORK REFUSALS

Under the *Occupational Health and Safety Act*, employees have the right to refuse to work or to perform particular work where he or she has reason to believe that any equipment, device, thing or physical condition of the workplace is likely to endanger themselves or another employee.

The employee and the Principal/Manager shall attempt to resolve health and safety concerns using Health and Safety Procedure HS 02-01 "Health and Safety Concerns" prior to initiating a work refusal.

If the concern cannot be resolved using the process outlined in procedure HS 02-01 the following steps shall be taken:

1. The **employee** shall:
 - 1.1. if he or she has reason to believe that the concern warrants a work refusal, initiate the work refusal process by notifying their Principal/Manager by completing and submitting Section 1 of the Health and Safety Work Refusal Reporting Form (APPENDIX A). This form identifies employee information, describes the reasons/circumstances for the work refusal and includes potential resolutions.
2. The **Principal/Manager**, when notified and in receipt of a completed Health and Safety Work Refusal Reporting Form from an employee, within 48 hours shall:
 - 2.1. review the information described on the form with the employee;
 - 2.2. pending an investigation, the employee shall remain in a safe place near their work location and/or assigned alternative work;
Note: Other employees may be asked to do the work being refused, however he or she must be informed of the refusal and reasons for it in the presence of a Joint Health and Safety Committee worker member.
 - 2.3. consult with the appropriate Superintendent;
 - 2.4. consult with a Human Resource Services – Health and Safety Officer of the refusal to work and request that a Joint Health and Safety Committee worker member be informed of the work refusal and be present at the investigation;
 - 2.5. conduct a joint investigation in the presence of the employee and a Joint Health and Safety Committee worker member representing the concerned worker's union/federation, whenever possible. A Health and Safety Officer may be present to assist in interpreting health and safety legislation and Board health and safety policies, procedures or guidelines;

- 2.6. Based on the issues related to the work refusal, other Board departments may be contacted as necessary to be present and provide information to assist in resolving the work refusal.

For example:

- Facility Services may provide assistance regarding maintenance, custodial and design and construction issues.
- Human Resource Services may provide assistance regarding staffing and labour management issues.
- Instructional Services - Special Education may provide assistance regarding issues such as the student's Individual Education Plan (IEP), Behaviour Management Plan, or the Student Safety Plan.
- Instructional Services may provide assistance regarding academic issues as well as program related health and safety manuals and guidelines.
- School Services may provide assistance regarding Board policies and procedures.

3. If the **employee is satisfied** with the results of the investigation, he or she shall return to work following completion of any necessary corrective action.

3.1. The **Principal/Manager** shall:

- 3.1.1. complete Section 2A of the Health and Safety Work Refusal Reporting Form outlining details of the investigation and indicating the corrective action taken or to be taken to resolve the work refusal.
- 3.1.2. maintain a copy on file and forward copies of the report to:
 - 3.1.2.1. the concerned employee(s);
 - 3.1.2.2. the Joint Health and Safety Committee worker member;
 - 3.1.2.3. Human Resource Services – Health and Safety for distribution to the Joint Health and Safety Committee.

4. If the **employee is not satisfied** and has reasonable grounds to believe that the work or particular work the employee has been asked to perform is unsafe, the Principal/Manager shall:
 - 4.1. consult with the appropriate Superintendent and a Human Resource Services – Health and Safety Officer.
 - 4.2. contact the Ministry of Labour Call Centre at 1-800-991-7454
 - 4.2.1. A Ministry of Labour inspector shall conduct an investigation in the presence of the employee, a Joint Health and Safety Committee worker member and the Principal/Manager. A Health and Safety Officer and/or other management representatives may also be present.
 - 4.2.2. The Ministry of Labour inspector will communicate a decision in writing.
 - 4.2.2.1. If deemed safe, the employee returns to work. If the employee has chosen not to return to work he or she may be subject to disciplinary action or an unpaid leave of absence to enable the employee an opportunity to consider all of the circumstances.
 - 4.2.2.2. If deemed unsafe, the Ministry of Labour inspector will issue orders/directives for corrective action.
 - 4.3. If orders/directives are issued by the Ministry of Labour, the Principal/Manager and a Human Resource Services – Health and Safety Officer will coordinate the necessary corrective action.
 - 4.4. The Principal/Manager shall:
 - 4.4.1. complete Section 2B of the Health and Safety Work Refusal Reporting Form outlining details of the Ministry of Labour investigation and attach any Ministry of Labour documentation.
 - 4.4.2. maintain and distribute copies of the reports as per item 3.1.2.

5. **Where the employee has acted in compliance with the *Occupational Health and Safety Act* in regards to refusal to work, reprisals by the employer are prohibited as per Section 50 of the Act.**

6. An Action Flowchart (APPENDIX B) is provided to assist in following this procedure.

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Reference: *Occupational Health and Safety Act*

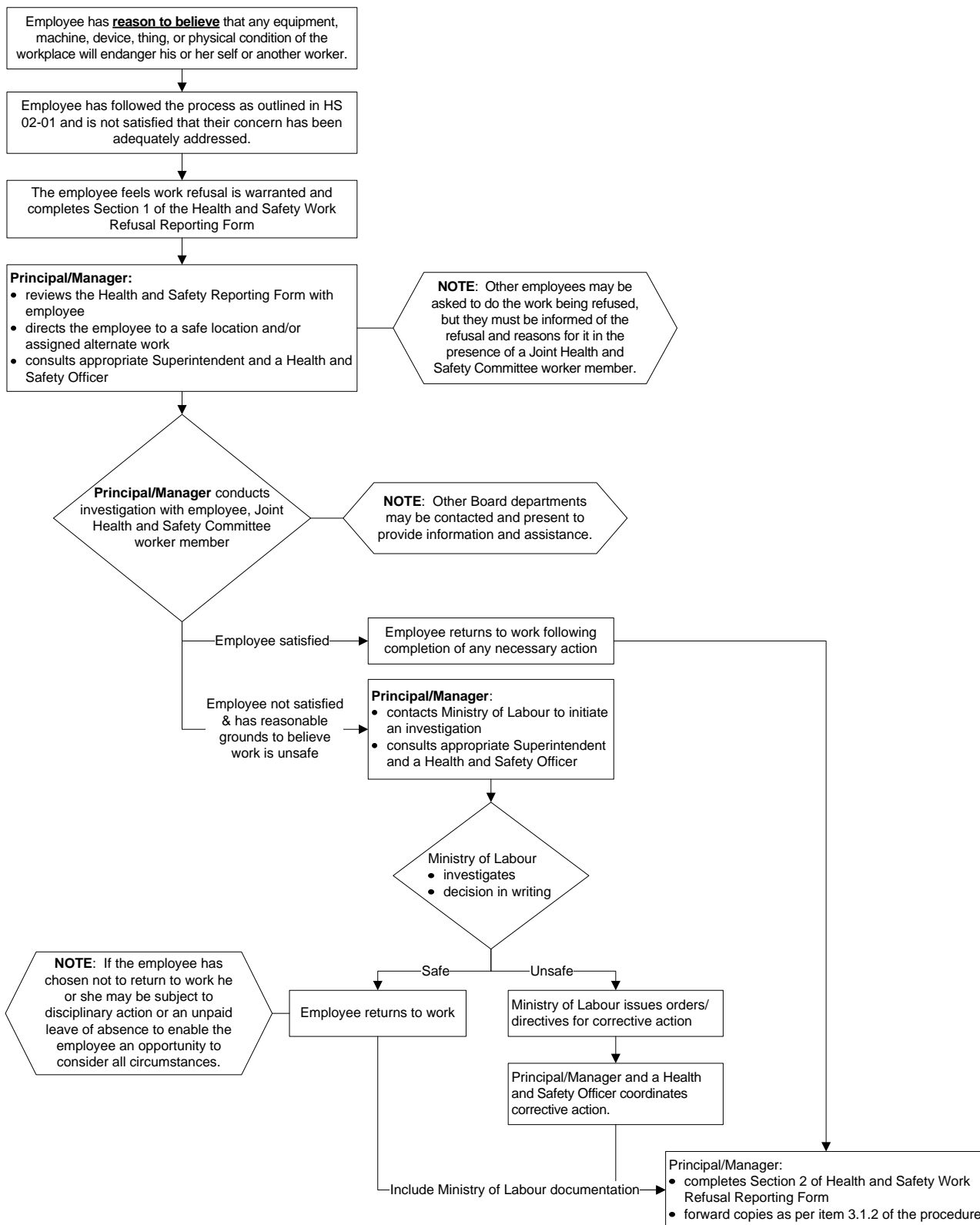
Revised:

Contact: Human Resource Services
Department – Health and Safety

HEALTH AND SAFETY WORK REFUSAL REPORTING FORM

SECTION 1: TO BE COMPLETED BY THE EMPLOYEE		
Location (Building):	Room/Area:	
Reported By:	Job Title:	
Circumstances of Refusal:		
Suggested Method(s) to Resolve Work Refusal:		
Signature:		
		Date:
SECTION 2: TO BE COMPLETED BY THE PRINCIPAL/MANAGER		
Principal/Manager Name:		
Title:	Date Form Received:	
SECTION 2A: SCDSB Investigation Results:		
Date of Investigation:		
Person(s) Involved in the Investigation:		
Principal/Manager Agreed Resolution/Action Taken:		
<input type="checkbox"/> Employee Satisfied with Resolution/Action Taken & Will Return to Work		
<input type="checkbox"/> Employee Not Satisfied with Resolution /Action Taken (Proceed to Section 2B)		
SECTION 2B: Ministry of Labour Investigation:		
Contacted: Date	Time:	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Investigation: Date	Time:	<input type="checkbox"/> a.m. <input type="checkbox"/> p.m.
Investigation Results:		
<input type="checkbox"/> Work Deemed Safe/Employee Return to Work		
<input type="checkbox"/> Work Deemed Unsafe/Orders/Directives Issued		
<input type="checkbox"/> Investigation Report(s) Attached		
Date Orders/Directives Complied With:		Date Employee Returned to Work:
Is additional documentation relating to this concern attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		

ACTION FLOW CHART FOR REFUSAL TO WORK



* Refer to procedure for detailed information.