



<b>ADMINISTRATIVE PROCEDURE</b>	
<i>Approval Date</i> <b>2014</b>	<i>Replacing</i> <b>All previous procedures</b>
<i>Review Date</i> <b>2019</b>	<i>Page</i> <b>1 of 3</b>
<i>Contact Person/Department</i> <b>Human Resources Administrator</b>	<i>Identification</i> <b>HR - 4210</b>

## **HEALTH AND SAFETY - REFUSAL TO WORK**

### **1.0 PURPOSE**

Trillium Lakelands District School Board recognizes and is committed to its responsibilities to provide for the health and safety of all staff while at work. The matter of health and safety is of fundamental importance and every reasonable measure will be taken to protect all employees from injury due to accidents and health hazards.

In order to achieve this objective, all employees are required to be active in health and safety and accident prevention by performing their tasks in accordance with the Occupational Health and Safety Act, the Regulations under the Act, established safety procedures, and safe work practices on the job.

It is the responsibility of employees having supervisory responsibilities, to ensure that employees reporting to them comply with established safe work practices and procedures.

### **2.0 REFERENCES/RELATED DOCUMENTS**

2.1 *Occupational Health and Safety Act and Regulations*

### **3.0 TERMS AND DEFINITIONS**

3.1 JOHSC MANAGEMENT MEMBER - the management member determined by the Board who holds certification under the Occupational Health and Safety Act.

3.2 JOHSC WORKER MEMBER - worker at a workplace chosen by the unions who holds certification under the Occupational Health & Safety Act

### **4.0 ADMINISTRATIVE PROCEDURE**

4.1 The Occupational Health and Safety Act Section 43(3) Refusal to Work states:

4.1.1 A worker may refuse to work or do particular work where he or she has reason to believe that:

- a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;

- b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger him or herself; or
  - c) any equipment, machine, device or thing he or she is to use or operate or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.
- 4.2 Teachers shall ensure the safety of the students assigned to them before commencing a work refusal.
- 4.3 Worker with Union representation at the employee's request makes a "work refusal" declaration including the reasons for the work refusal to the Principal/Supervisor.
- 4.4 The worker will remain in a safe area in the proximity of the workplace and available for the purposes of the investigation.
- 4.5 The Principal/Supervisor may assign the first worker's task to another qualified employee provided that he/she informs the employee of the work refusal and the reasons for it.
- 4.6 The Principal/Supervisor shall conduct an investigation in the presence of the worker and the JOHSC worker member.
- 4.7 The Principal/Supervisor shall inform the worker and the JOHSC worker member:
- that the Principal/Supervisor does not believe that the situation endangers the health or safety of the worker and that the worker should return to his/her work; OR
  - that the Principal/Supervisor has taken specific corrective measures which shall be described and the Principal/Supervisor believes that the situation no longer endangers the health and safety of the worker and that the worker should return to his/her work; OR
  - that the Principal/Supervisor agrees that the workplace is unsafe and the Principal/Supervisor shall be undertaking corrective measures according to a declared timetable and that the worker is being assigned alternative work within the worker's bargaining unit and workplace.
- 4.8 If the worker agrees with the Principal/Supervisor's conclusions, the issue is considered resolved.
- 4.9 If the worker disagrees, then the worker or the JOHSC worker member or the Principal/Supervisor shall request that an inspector from the Ministry of Labour (MOL) investigate the work refusal.
- 4.10 Principal/Supervisor may assign the worker alternative work within the bargaining unit and the workplace.

- 4.11 The Principal/Supervisor may assign the worker's tasks to another employee provided that he/she informs the employee of the work refusal and the reasons for it, in the presence of the JOHSC worker member.
- 4.12 An inspector shall investigate the refusal to work in consultation with the Principal/Supervisor or a person representing the employer, the worker, and JOHSC worker member.
- 4.13 The inspector shall, following the investigation, decide whether the circumstance described is likely to endanger the worker or another person. The inspector shall give his or her decision in writing as soon as is practicable to the employer, the worker, and the designated JOHSC worker member.
- 4.14 The inspector's report shall be presented to the JOHSC at its next meeting.