



## HR-4210 Refusal to Work Procedure

**Approval Date: 2020**

**Review Date: 2025**

### 1. 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.

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.

The Board will take every precaution in the circumstances to protect the health and safety of workers, students, volunteers, visitors and contractors. This shall be accomplished by developing, documenting, and implementing safety policies and procedures.

The Board recognizes and endorses the Internal Responsibility System whereby all workplace parties participate in building a robust safety environment. Principals/Supervisors are to ensure that safe work procedures and training are implemented and followed to maintain a safe and healthy workplace.

### 2. References and Related Documents

Internal

- [HR-4201 Site-based Joint Occupational Health & Safety Committee Procedure](#)

External

- [Occupational Health and Safety Act and Regulations \(OHSA\)](#)

### 3. Terms and Definitions

**JOHSC Management Member:** The management member determined by the Board who holds certification under the Occupational Health and Safety Act.

**JOHSC Worker Member:** Worker at a workplace chosen by the union presidents, who holds certification under the Occupational Health & Safety Act.

**IRS:** Internal Responsibility System.

### 4. Administrative Procedure

The Principal/Supervisor shall contact the Board's Health & Safety/WSIB Coordinator immediately, in the event of a work refusal.

The OHS Act Section 43(3) Refusal to Work states:

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.

Teachers shall ensure the safety of the students assigned to them before commencing a work refusal.

The worker, with the site-based JOHSC Worker Member(s), at the employee's request, makes a "work refusal" declaration including the reasons for the work refusal to the Principal/ Supervisor.

The worker will remain in a safe area in the proximity of the workplace and available for the purposes of the investigation.

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.

The Principal/Supervisor shall conduct an investigation in the presence of the worker and the JOHSC worker member.

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.

If the worker agrees with the Principal/Supervisor's conclusions, the issue is considered resolved.

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.

The Principal/Supervisor should immediately report such decisions to the Director of Education or designate, through their Superintendent.

Principal/Supervisor may assign the worker alternative work within the bargaining unit and the workplace.

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.

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.

The inspector's report shall be presented to the JOHSC at its next meeting and posted on the Health and Safety Notice Board.

If you require this information in an accessible format, please contact Communications Services at [info@tldsb.on.ca](mailto:info@tldsb.on.ca)