

<i>The Town of Fort Frances</i>	SECTION HEALTH AND SAFETY
<u>REFUSAL TO WORK</u> <u>POLICY</u>	REVISED September 2004
Resolution No. 343 (consent) 09/04	Supercedes Resolution No.
Policy Number 5.15	PAGE 1 of 3

1. PURPOSE:

To create a procedure outlining the steps to be followed when any employee refuses to work due to unsafe work conditions, as defined in the Occupational Health and Safety Act.

2. RESPONSIBILITY:

- i. The employee is responsible for immediately informing the supervisor of any unsafe work conditions.
- ii. The supervisor/Manager is responsible for investigating any reports of unsafe work conditions and resolving the concern, as defined by this procedure.

3. PROCEDURE:

- i. An employee may refuse to work or do particular work where he/she has reason to believe that:
 - a) Any equipment he/she is to use or operate is likely to endanger him/herself or another employee.
 - b) The physical condition of the workplace is likely to endanger him/herself
 - c) Any equipment he/she is to use, or the physical condition of the workplace, is in contravention of the Occupational Health and Safety Act, and such contravention is likely to endanger him/herself or another employee.
- ii. Upon refusing to work, the employee shall promptly report the circumstances of his/her refusal to the supervisor, who shall promptly investigate the report in the presence of the employee and one of:
 - a) A committee member who represents workers, if any;
 - b) A health and safety representative, if any; or
 - c) A worker who because of knowledge, experience or training is selected by a trade union who represents the worker, or if there is no trade

union, is selected by the workers to represent them, who shall be made available and who shall attend without delay.

- iii. If action can be taken to resolve the complaint without need for further investigation, the Supervisor / Manager will carry out the action and document such events.
- iv. If further investigation is required to resolve the complaint, additional documentation is required.
- v. Until the investigation is completed, the employee shall remain in a safe place near his/her workstation, unless assigned to alternative work.
- vi. If, after following the investigation and/or steps taken to resolve the concern, the employee feels that there is still an unsafe work condition, the employer shall notify the Ministry of Labour.
- vii. A Ministry of Labour Inspector shall investigate the refusal to work in the presence of the:
 - a) Employee(s)
 - b) Employer
 - c) Certified Health and Safety member(s)
- viii. The Ministry of Labour Inspector shall decide whether the equipment or the workplace is likely to endanger the employee or another person and give his decision, in writing, as soon as is practicable.
- ix. Pending the investigation and decision of the Ministry of Labour Inspector, the employee shall remain at a safe place near his/her work station during his/her normal working hours, unless the employer assigns the employee reasonable alternative work during such hours.
- x. Pending the investigation and decision of the Ministry of Labour Inspector, no employee shall be assigned to use the equipment, or to work in the workplace, which is being investigated, unless the employee to be assigned has been advised of the work refusal and the reasons for it.

Work Refusal Process

