

<i>Rainy River District School Board</i>	SECTION 7 <i>Health & Safety</i>
WORKPLACE REFUSAL PROCEDURE	7.77

PURPOSE

All employees have the legal right to refuse to work when they have reason to believe their health or safety is in danger.

RATIONALE

The health and safety for employees is essential to ensure the safe completion of job duties.

The *Occupational Health & Safety Act* is specific about the requirements to be followed when a worker indicates he/she is refusing to work. A worker must notify his/her supervisor if he or she is refusing to do work. If a worker indicates he/she is refusing to work the Principal/Supervisor needs to determine if the refusal meets the criteria defined by section 43(3) of the *Occupational Health & Safety Act*.

GUIDELINES

- 1.1 A worker may refuse to work or do particular work if 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 part thereof in which he or she works or is to work is likely to endanger himself or herself;
 - (b.1) workplace violence is likely to endanger him or her;
 - c) any equipment, machine, device or thing (the worker) is to use or operate or the physical condition of the workplace or part thereof in which he or she works is to work is in contravention of the *Occupational Health & Safety Act* or the applicable regulations and as such the contravention is likely to endanger himself, herself or another worker.

- 1.2 Steps to follow:
 - a) For all worker groups except CUPE: If the nature of the refusal of an employee meets these requirements the principal/supervisor must immediately contact the Superintendent of Education and indicate that you are dealing with a work refusal. The Superintendent of Education will inform the appropriate union/federation representative who will investigate along with the Manager of Plant Operations and Maintenance and the principal/supervisor without delay.
 - b) If CUPE workers refuse to work and this meets the requirements of the definition under the *Occupational Health & Safety Act*, the principal/supervisor must report directly to the Manager of Plant Operations and Maintenance that you are dealing

with a work refusal. The Manager of Plant Operations and Maintenance will inform the CUPE representative who will investigate along with the Manager of Human Resources and the principal/supervisor without delay.

- c) In all situations of work refusal that meets the requirements of the definition under the *Occupational Health & Safety Act* as outlined above.
- Document the work refusal on the *Work Refusal* form including, but not limited to, the worker's concern, time, date, relevant information, and any outcome of the refusal;
 - Take the necessary steps to ensure the safety of students and employees;
 - Pending the investigation, the worker (complainant) must stay in a safe place and be available to the investigator. The worker may be assigned other work while the work refusal is being investigated. If another worker is asked to work in the worker/complainant's place, the worker should be informed of work refusal.
- 1.3 If the nature of the work refusal does NOT meet the requirements above in 1.1 a), b), and b1) or c), then this incident does not constitute a legitimate work refusal situation, in which case, the worker (complainant) should be informed that it was not a proper refusal to work and be instructed to return to work. The Manager of Plant Operations and Maintenance and the Superintendent of Education can be contacted for more information.
- 1.4 If the worker is engaged in a refusal to work that meet the requirements in 1.1 a), b), and b1) or c) above, then steps should be taken to rectify the situation so that it is deemed safe to return to work. Once the steps are taken, the worker (complainant) should be informed of the steps taken and directed to return to the work area. If the worker continues to refuse to work, the Union, the worker or the employer should contact the Ministry of Labour.
Note: A teacher cannot refuse to work as per Ontario Regulation 857 and under the *Occupational Health and Safety Act* cannot refuse to work where the circumstances are such that the life, health or safety of a pupil is in imminent jeopardy.
- 1.5 Any questions about this process should be forwarded to the Superintendent of Education.

<u>CROSS REFERENCE</u>	<u>DATE REVIEWED</u>	<u>LEGAL/MINISTRY OF EDUCATION REFERENCE</u>
<p>Policy 7.00 Occupational Health & Safety</p> <p>Policy 7.75 Workplace Harassment and Violence Prevention</p> <p>Procedure 7.75 Workplace Harassment</p> <p>Procedure 7.76 Workplace Violence Prevention</p>	<p>December, 2014</p>	<p><i>Occupational Health & Safety Act</i></p>