## RIGHT TO REFUSE UNSAFE WORK

[Organization Name] understands all workers have a right to a safe and healthy working environment. The purpose of this policy is to outline:

* The right to refuse work under the *Occupational Health and Safety Act* (OHSA)
* The workers who have the right to refuse
* The procedure that must be followed in the event of a work refusal

SCOPE

This policy applies to all workers at [Organization Name] In Ontario, all workers have the right to refuse unsafe work except for workers such as: police officers, firefighters, workers employed in the operation of correctional institutions, and health care workers.

DEFINITIONS

“Worker representative” within this policy means one of the following: a joint health and safety committee member who represents the workers, a safety representative if there is no health and safety committee, or another worker who has been chosen to represent a person who is refusing work.

POLICY

[Organization Name] respects the legal right of employees to refuse work they believe is unsafe and will take the appropriate actions set out by the *Occupational Health and Safety Act* (OHSA).

Employees of [Organization Name] may refuse any work, workplace condition or equipment they believe might endanger their health and safety, or the health and safety of another person. This right to refuse extends to workers who believe they may be endangered by workplace violence.

When an employee exercises their right to refuse unsafe work, the work refusal process set out by the *Occupational Health and Safety Act* (OHSA) must be followed explicitly. To initiate the work refusal, a worker must only state they feel unsafe and do not wish to proceed with a task or activity.

There will be no negative consequence for employees who exercise their right to refuse in good faith and who adhere to the processes set out by law and in this policy.

[Organization Name] will continue to pay the worker who is refusing to work at the regular rate during the work refusal process until a Ministry of Labour Inspector rules that it is safe to resume work. If the worker continues to refuse work beyond the point the work has been deemed safe, [Organization Name] is no longer required to provide pay and may begin disciplinary action.

WORK REFUSAL PROCESS

Under the law, the following procedure must be followed in the event of a work refusal.

Step 1

* The worker reports the refusal to their manager and then stays in a safe place. The worker may also notify the health and safety committee
* The employer or supervisor investigates the issue with the worker and a safety representative or other chosen worker representative present.
  + If an acceptable resolution to the issue is put in place, the worker can go back to work
  + If no resolution is found, move on to Step 2

Step 2

* If the worker continues to feel unsafe, the worker should continue to refuse and stay in a safe place.
* The worker or employer (or someone representing either of them) should call the Ministry of Labour
* A Ministry of Labour Inspector will investigate the issue in consultation with the worker, safety representative and supervisor or management representative
* Any required/ordered changes to improve safety will be made
* The refusing worker will go back to work

During Step 1, if the supervisor has investigated and found a resolution they believe is safe, but the worker continues to refuse, the supervisor can ask another worker to perform the task while waiting for a resolution under Step 2. However, the supervisor must let the second worker know:

* the task they are being asked to do has been refused by another worker
* why the task was refused, and
* that an investigation with the Ministry of Labour is in process

[Organization Name] understands the second worker may also refuse the work.