



<b>ADMINISTRATIVE PROCEDURE</b>	
<i>Approval Date</i> <b>May 2009</b>	<i>Replacing</i> <b>All previous procedures.</b>
<i>Review Date</i> <b>2014</b>	<i>Page</i> <b>1 of 4</b>
<i>Contact Person/Department</i> <b>Superintendent of Business</b>	<i>Identification</i> <b>BU - 3580</b>

## **PROTOCOL FOR REFUSAL TO WORK**

### **1.0 PURPOSE**

#### 1.1 The Occupational Health and Safety 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.

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

- 2.1 *Occupational Health and Safety Act and Regulations*
- 2.2 *Joint Occupational Health and Safety Committee – Terms of Reference*

### **3.0 TERMS AND DEFINITIONS**

- 3.1 **JOHSC - The Board's Joint Occupational Health & Safety Committee** is the authorized committee for the entire geographical area of the Board and is comprised of both employee representatives from each of the unions, and employer representatives of management members.
- 3.2 **Area Union JOHSC Member** – Each area of the Board (Muskoka, Haliburton, City of Kawartha Lakes) has a Union Member from the Committee that is responsible for a particular work site in his or her Area.

**4.0 ADMINISTRATIVE PROCEDURE**

- 4.1 Teachers should ensure the safety of the students assigned to them before commencing a work refusal.
- 4.2 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.
- 4.3 The principal/supervisor shall contact the Area Union JOHSC member if the person is not already present, to request that the member attend the workplace immediately.
- 4.4 The worker will remain in a safe area in the proximity of the workplace.
- 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 Area Union JOHSC member or another Union executive as soon as possible.
- 4.7 The principal/supervisor shall inform the worker and the Area Union JOHSC 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 or unhealthy 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 Area Union JOHSC member files a report for the next meeting of the JOHSC.
- 4.9 If the worker disagrees, then the worker or the Area Union JOHSC member or the Principal/Supervisor shall request that an inspector from the Ministry of Labour 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 Area Union JOHSC member.
- 4.12 The worker and the Area Union JOHSC member have the right to be present during the Ministry of Labour Inspector's investigation.
- 4.13 The inspector shall provide the parties with a written report of his/her findings.
- 4.14 The inspector's report shall be presented to the JOHSC at its next meeting.

