



## HR-4210 Refusal to Work Procedure

**Approval Date: 2023**

**Review Date: 2028**

### 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 workers 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.

### References and Related Documents

#### Internal

- [HR-4201 Site-based Joint Occupational Health & Safety Committee Procedure](#)
- [HR-4522 Prevention and Resolution of Violence in the Workplace Procedure](#)
- [HR-4520 Responding to Student Violence Toward Staff Procedure](#)

#### External

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

### Terms and Definitions

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

**Site-Based 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.

**Inspector:** means a Ministry of Labour (MOL) inspector appointed for the purposes of the Occupational Health & Safety Act.

## **Administrative Procedure**

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:

- any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- 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;
- workplace violence is likely to endanger himself or herself: or
- 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.

Upon refusing to work the worker shall promptly report the circumstances of the refusal to their Principal/Supervisor. Reg 857 Section 3(3) of the OHS Act states that teachers shall ensure the safety of the students assigned to them before commencing a work refusal.

The Principal/Supervisor shall immediately contact the Board's Health & Safety WSIB/Coordinator and investigate the work refusal in the presence of the worker and the Site-Based Joint Health & Safety Committee (JOHSC) worker member. The Board shall ensure that where there is more than one certified site-based worker member, the Board shall inform both worker members. The worker members of the committee shall designate one (1) worker member of the committee to investigate the work refusal.

The Site-Based JOHSC worker member shall be made available and attend without delay.

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 while in the presence of the Site-Based JOHSC worker member. Should the principal/supervisor assign or cause to assign the work to a casual worker, the casual worker shall be notified of the work refusal at the time of dispatch, prior to traveling to the worksite. For the purposes of this notification, the Site-Based JOHSC worker member shall be considered present if on the call.

The Principal/Supervisor shall inform the worker and the Site-Based JOHSC worker member:

- that they do not believe the situation endangers the health or safety of the worker and that the worker should return to his/her work; or
- Identify which specific corrective measures have been taken and 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

- They agree that the work refusal is warranted and corrective measures will be taken according to a declared timetable. The worker will be 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, the Site-Based 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.

And the MOL inspector shall investigate the refusal to work in consultation with the Principal/Supervisor or a person representing the employer, the worker, and Site-Based JOHSC worker member.

Pending the MOL investigation and decision from the inspector, the Principal/Supervisor is able to assign the worker reasonable alternative work during the worker's normal working hours.

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 Site-Based JOHSC worker member.

The inspector's Field Visit Report shall be posted on the Health and Safety Notice Board and discussed at the next Site-Based JOHSC meeting.

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