

## Work Refusal Procedures

Policy #:	5004
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Office of Accountability:	Risk Management
Administrative Responsibility:	Director, Risk Management
Approver(s):	Vice-President, Finance & Administration

### 1) Purpose:

If an employee feels that what he/she is asked to do would be dangerous to themselves or to others, they have the right under **Section S.433(1)** of the **Occupational Health and Safety Act** (“the Act”) to refuse to work.

### 2) Scope:

This policy applies to all OCAD University (“OCAD U” or “the University”) employees.

### 3) Policy:

The following are the procedures required by *the Act* in a work refusal situation and must be followed. No reprisals may be taken against workers exercising their right to refuse work they believe to be dangerous to themselves or others.

### 4) Procedures

#### Stage One:

- Worker reports problem to his/her Supervisor, indicating that he/she is refusing to work because of unsafe conditions, and remains in a safe place until an investigation is completed.
- If the worker's Supervisor is not available the problem should be reported to the Director, Risk Management or to a member (if possible non-managerial) of the Joint Health and Safety Committee.
- The Supervisor (or person in lieu) interviews the worker and completes the form on the reverse of this document to ensure that sufficient information has been collected to make a proper investigation.
- The Supervisor, the worker, a member of the Joint Health & Safety Committee, and the Director, Risk Management all jointly investigate the situation.
- The Supervisor takes immediate steps to correct any problem he/she discovers.

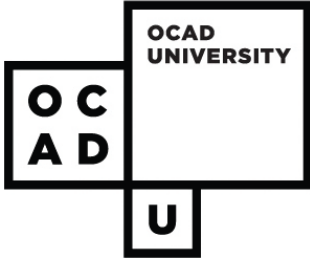
- The worker returns to work if he/she deems the situation to no longer be dangerous.
- If the parties cannot agree that the situation is no longer dangerous the investigation reaches Stage Two.

Note: The worker still has the right to refuse to work if reasonable grounds remain.

Stage Two:

- The worker stays in a safe place close by the worksite.
- The Ministry of Labour is requested to send an Inspector to investigate.
- The MoL Inspector investigates the situation in the presence of all parties.
- The worker may be assigned alternative work pending investigation and decision.
- The same work may not be assigned to another worker unless he/she is informed of the previous worker's refusal to work and the reasons for this.
- The MoL Inspector issues a written decision.
- The worker returns to work following completion of required remedial action (if any).

**The Supervisor of any worker who believes assigned work may be dangerous to themselves or others must complete the attached form and provide to the Director, Risk Management or a member of the OCAD U Joint Health & Safety Committee, keeping a copy for his/her files**



# Work Refusal Report

Policy #5004

All employees have the right to refuse work if they believe it will be dangerous to themselves or others.

**Supervisor** must inquire as to the employee's reason for refusing to work and complete this form as fully as possible.

Date: \_\_\_\_\_ Time: \_\_\_\_\_ am/pm. Name of employee: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_ Department: \_\_\_\_\_

Location of work refused: \_\_\_\_\_ Task assigned: \_\_\_\_\_

Worker's reasons for refusing work (in own words, as detailed as possible: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Employee's signature: \_\_\_\_\_

Date of investigation: \_\_\_\_\_ Time of investigation: \_\_\_\_\_ am/pm

Name(s) of JHSC member(s) also investigating: \_\_\_\_\_

Other employees interviewed: \_\_\_\_\_

Supervisor's observations after investigation: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Employee satisfied that problem has been resolved: Yes ( ) No ( )

Signatures: Supervisor/Manager: \_\_\_\_\_

JHSC member: \_\_\_\_\_

Personal information is collected under the authority of the *Ontario College of Art & Design Act*, 2002, s. 4(1) and will be used in relation to this work refusal report. If you have any questions about this collection, please contact your Supervisor or the Office of Risk Management.