



# University Students' Council of the University of Western Ontario HEALTH AND SAFETY WORK REFUSAL POLICY

**EFFECTIVE:** 26<sup>th</sup> February 2016

**SUPERSEDES:** 15<sup>th</sup>, November 2011

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**AUTHORITY:** General Manager

**RATIFIED BY:** Board of Directors  
26<sup>th</sup> February 2016

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DOCUMENTS:**

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## **PURPOSE:**

The purpose of this policy is to establish procedural guidelines as per the Occupational Health & Safety Act for a work refusal. It is the policy of the USC to resolve health and safety concerns before a work refusal occurs and provide a uniform reporting procedure.

## **1.00 SCOPE**

1.01 This policy applies to all USC employees.

## **2.00 PROCEDURE**

### **2.01 HEALTH & SAFETY COMPLAINT:**

(1) In the event that a worker raises a health and safety concern or complaint to their Supervisor, the Supervisor shall:

- i. Investigate in the presence of the worker and establish with the worker whether a health & safety issue exists and if it is a complaint or work refusal.
- ii. If determined to be a safety complaint and the task is unsafe the Supervisor shall undertake immediate correction action.

### **2.02 HEALTH & SAFETY WORK REFUSAL:**

(1) Workers in the province of Ontario have the right to refuse work which they have reason to believe is unsafe. As per the Occupational Health & Safety Act a worker may refuse to work or do particular work where he/she or another worker may be endangered by,

- i. any equipment, machine, device or things; or
- ii. the physical condition of the workplace; or
- iii. workplace violence; or



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- iv. any equipment, machine, device or thing that is to be used or the physical condition of the workplace is in contravention of the Act or Regulations and may endanger himself/herself or another worker.

(2) Should there be a work refusal the following procedures apply:

i. **Stage 1:**

- a. Worker has reason to believe work or task is unsafe.
- b. The report shall be made to the Supervisor (preferably in writing) and should outline the worker's reason(s) for believing the work to be unsafe.
- c. The worker shall remain in a safe place near his or her work station.
- d. Supervisor shall forthwith investigate in the presence of the worker, a certified worker representative from the JHSC and the Human Resources Generalist.
- e. The Supervisor shall respond to the worker in writing, outlining remediation timelines, if applicable. If there will not be a remediation plan, the written response should include the reasoning behind this decision.
- f. Should the issue be resolved and corrective action taken, if required, the worker shall return to work. If the issue is not resolved proceed to stage 2.

ii. **Stage 2:**

- a. Following the investigation, should the worker have reasonable grounds to believe that the work or task continues to be unsafe, they must remain in a safe place near his or her work station and the Ministry of Labour shall be notified.
- b. Refused work may be offered to another worker providing it is offered in the presence of a worker representative from the JHSC and the Human Resources Generalist. This worker shall also be advised of the other worker's refusal and his or her reasons for the refusal.



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- c. The Ministry of Labour Inspector shall investigate in consultation with the Human Resources Generalist, the worker and the worker representative from the JHSC.
- d. The Inspector shall give his or her decision, in writing, as soon as possible to all involved parties and any applicable changes can be made in order to return the worker to their duties. A certified member of the JHSC may also request the investigation of a health and safety concern and initiate the work refusal procedure as outlined by this policy.

### **3.00 REPRISALS BY EMPLOYER PROHIBITED**

- 3.01 Workers who invoke their right to refuse work which they have reason to believe to be unsafe are protected by the Occupational Health and Safety Act.

As per Part VI, sec. 50(1):

No employer or person acting on behalf of an employer shall,

- a) Dismiss or threaten to dismiss a worker;
- b) Discipline or suspend or threaten to discipline or suspend a worker;
- c) Impose any penalty upon a worker; or
- d) Intimidate or coerce a worker, because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement

### **4.00 COMMUNICATION**

- 4.01 This policy will be explained as needed to workers through orientation health & safety training or task-specific training.

### **5.00 EVALUATION**

- 5.01 This policy will be evaluated on an annual basis through the Continuous Improvement Plan.