

The WORK REFUSAL process under the OCCUPATIONAL HEALTH SAFETY ACT

A worker believes something in the work will endanger them or someone else.

STAGE 1

The worker promptly reports the circumstances of the refusal to the supervisor and remains in a safe place.

The supervisor investigates without delay in the presence of the worker and a JHSC member or other worker representative and tries to resolve the issue.

STAGE 2

If the worker still has reasonable grounds to believe that the work is likely to endanger himself, herself, or another worker, the worker may continue to refuse to work. The supervisor or worker or their representative notifies the Ministry of Labour, Immigration, Training and Skills Development (MLITSD) of the refusal.

The MLITSD inspector investigates in the presence of the worker, the supervisor and the JHSC member or other worker representative and gives a decision in writing on whether the work is likely to endanger.

If the Inspector determines the work is **not** likely to endanger, the worker returns to work.

If the work is found likely to endanger, the inspector will order a remedy for the unsafe situation.

MLITSD CALL CENTRE: 1-877-202-0008

THE RIGHT TO REFUSE UNSAFE WORK

Workers have the right to refuse work they believe will endanger either themselves or another person. Workers **ALWAYS** have the right and obligation to report hazards or unsafe situations to their employers. Some workers, such as health care workers, correctional officers, police officers, and firefighters have limitations on their right to refuse. They cannot refuse unsafe work if the hazard is inherent in their work or if the refusal endangers the life, health or safety of another person.

Employers are prohibited from intimidating, threatening to discipline, or disciplining workers for refusing unsafe work. Employer reprisals can be dealt with using the grievance process or by a complaint to the Ontario Labour Relations Board (OLRB).

The right to refuse unsafe work is an important health and safety right—it could very well be the last line of defense and save your life. Turn this card over for details on the work refusal process.

For more information contact the OPSEU/SEFPO
Health and Safety Unit at:
WorkerSafety@opseu.org

