

COMMUNITY LIVING TORONTO

POLICIES AND PROCEDURES  
HEALTH & SAFETY MANUAL

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Section

Subject

Date Issued

Mar. 24, 2020

**RIGHT TO REFUSE OR STOP WORK WHERE  
HEALTH AND SAFETY IN DANGER**

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**POLICY**

The Ontario Health and Safety Act (OHSA) gives Workers the right to refuse unsafe work or to do particular work that they believe is likely to endanger themselves or others, particularly involving equipment, machines or devices, workplace violence or due to the physical condition of the workplace, with certain limitations.

**LIMITATIONS TO THE RIGHT TO REFUSE WORK**

Workers supporting people with developmental disabilities have a limited right to refuse work where a hazard is inherent in their work or where refusal of work would endanger the life of another person.

Where Workers have a limited right to refuse unsafe work, the JHSC and/or designated Worker does not have the right to stop "unsafe work" if, by doing so, it would directly endanger the life, health and safety of another person.

Workers must notify their Program Supervisor/Manager of any safety concerns pertaining to their working conditions to allow the Program Supervisor/Manager an opportunity to address these concerns.

**DEFINITIONS**

For the purpose of this policy:

**"JHSC" means** Joint Health and Safety Committee.

**"Designated Worker" means** a Worker appointed by the JHSC or by Worker(s) representing the Worker.

**"MOL" means** Ministry of Labour.

**"OHSA" means** the Occupational Health and Safety Act.

**"RED" means** the Regional Executive Director.

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***“Worker” means:***

1. A person who performs work or supplies services for monetary compensation.
2. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled.
3. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution.
4. Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a “Worker” under the OHSA).

**PROCEDURE FOR A WORKER’S REFUSAL TO WORK**

1. The Worker will notify the appropriate Program Supervisor/Manager immediately of their refusal to work and identify the reasons for the refusal.
2. The Program Supervisor/Manager will immediately investigate the reason(s) for the refusal, notify the Senior Consultant, Health and Safety, and follow up with a notification to the Regional Executive Director/Director as required. If the issue is resolved, the Worker will return to work.

Should further escalation be required during this time the Worker will stay in a safe place.

3. If through the escalation process the situation cannot be resolved promptly, a continuation of the investigation must be done in collaboration with the Worker and any one of the following:
  - a Joint Health & Safety Committee (JHSC) member who represents the Workers, or
  - a designated Worker

Contact the JHSC Co-Chair at [healthandsafety@cupe2191.ca](mailto:healthandsafety@cupe2191.ca)

During this investigation the Worker will stay in a safe place. If the issue is resolved, the Worker will be expected to return to work.

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4. If resolution is still not achieved, the Program Supervisor/Manager will:
- Re-assign the Worker to other work, and
  - Notify the Ministry of Labour (MOL).

Pending the investigation and decision of the MOL inspector, no other Worker will be assigned to use or operate the equipment or to perform the work under investigation where it is being investigated unless that Worker has been advised there is a refusal to work in place and the reasons behind that refusal. This information must be provided in the presence of:

- A JHSC member who represents Workers and, if possible, who is a certified member; or
- A designated Worker.

**MOL INSPECTOR**

An inspector from the MOL will investigate the refusal to work in the presence of the Program Supervisor/Manager, the Worker and the Committee member(s) as identified above and will submit his/her decision in writing to the JSHC.

**Related Documentation:**

11-03-02 Reporting Hazards

11-03-03 Damaged and Unsafe Equipment

Protocol for Conducting an Internal Investigation (Under forms library/Pandemic folder on SharePoint)

Work Refusal Investigation Form ESDL-LAB1184 (Under forms library/Pandemic folder on SharePoint)