

Ingersoll Support Services Inc.

Policy: Right to Refuse Unsafe Work	Policy # 8b Section: Health and Safety
Reviewed and Effective: June 27 2018 Date of Origin: June 1 2015	Ministry requirement - OHSA
<i>ISSI provides support to people in a manner that limits work refusal situations in order to maintain their safety and support. The goal of this procedure is to ensure the prompt, effective, and correct handling of “work refusal” situations (Part V, Section 43) of the Occupational Health and Safety Act (OHSA), and to encourage the prompt resolution of these situations.</i>	

Procedure:

Limitations

This policy applies to all workplace parties; however there are both:

- conditions when a worker can refuse work; and
- limitations to refuse work for some workers in certain circumstances.

a) Under the OHSA 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 himself 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 physical condition of the workplace 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.

b) Workers with limitations to refuse work and circumstances are identified under Section 43 of the *OHSA*, including specifically: “a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental disability.”

Guidelines for maintaining Work Safety

Workplace parties should use the internal responsibility system to control substandard and unsafe conditions through health and safety hazard reporting, hazard identification and assessment, hazard inspections, investigations and implementation of correction actions.

Ingersoll Support Services will make every effort to ensure a safe workplace. Workers do have the right to refuse work where they believe worker health and safety is in danger as outlined in the OHSA.

Circumstances in which these workers with limited rights are not permitted to refuse work are as follows:

- (a) when a circumstance described is inherent in the worker's work or is a normal condition of the worker's employment; or
- (b) when the worker's refusal to work would directly endanger the life, health or safety of another person.

In cases where there is limitation of a worker's right to refuse work, the worker must report the hazard or unsafe circumstance to the supervisor, manager and/or employer. The supervisor and/or manager will investigate the complaint in a timely and prompt manner, as soon as safely possible and implement corrective actions as necessary.

Supervisor/Manager:

- Attend the work refusal right away
- Receive the work refusal and be open and responsive to the worker's concern and help the worker identify the specific problem, recognizing that it is in the best interest of all workplace parties to resolve the situation internally without having to involve the Ministry of Labour (promote the internal responsibility system (IRS))
- Clarify the work refusal and ensure the worker is refusing unsafe work and the details of the refusal
- Investigate the work refusal in the presence of a representative of the worker
- Ensure the procedure is followed up correctly and where required corrective actions are identified, implemented and followed-up
- When re-assigning an employee to other duties, ensure that the new assignment is consistent with the work refusal requirements under the OHSA
- Ensure that the worker is not reprised (i.e. no action, comment or process is initiated that may be considered by the employee as a threat, intimidation or coercion)
- Record time and details of the work refusal and investigation using the organization's work refusal forms

- Complete documents clearly and precisely and report the findings to management
- Maintain records of all work refusal situations
- Comply with any Ministry of Labour orders and ensure they are posted right away in areas where employees that are affected can view them and also provide a copy to the worker representative (i.e. joint health and safety committee worker member, health and safety representative)
- Take every reasonable precaution reasonable under the circumstances for the health and safety of workers and others working in the organization
- Notify the Health and Safety Representative

Worker:

- Report hazards immediately when you become aware of them
- When workers believe their health and safety is in danger and choose to refuse work, they must notify their supervisor and/or manager right away and state clearly that the reason for work refusal is safety
- Follow the work refusal policy and procedure
- Understand the right to have a representative to assist you
- Comply with any Ministry of Labour orders

Health and Safety Worker Representative:

- Observe to see that the requirements of the law and this procedure are adequately followed
- Maintain records of the work refusal
- Assist the employee where possible in identifying the nature of the concern, and the management action necessary to address the concern
- Report work refusal result to the JHSC