

## **Guidelines for a Refusal to Work**

If a worker exercises their right to refuse work because they have reason to believe that a hazardous situation exists, the worker's employer or supervisor must investigate the report in the presence of the worker and a Ryerson Joint Health & Safety Committee (JHSC) member who represents workers (preferably the certified worker member), or a health and safety representative, or a worker who is selected by a trade union that represents the worker.

One of the above persons must promptly attend the investigation. If after the investigation the worker continues to refuse work or do particular work, the employer, the worker, or a person on behalf of the employer or worker will notify the Director, Environmental Health and Safety. If the matter still cannot be resolved, a Ministry of Labour inspector will be contacted.

If a worker has reason to believe that workplace violence is likely to endanger himself or herself he or she may refuse to work. The university will investigate and respond to the refusal as outlined in the university's Workplace Violence Prevention and Response Program. Should the worker not be satisfied with the university's response and the worker has reasonable grounds to believe that workplace violence continues to be likely to endanger himself or herself the worker has the right to refuse work.

The Ministry of Labour inspector will investigate the refusal to work in the presence of the employer, a person representing the employer, the worker, and a committee member who represents workers, or a worker who is selected by a trade union that represents the worker. After the Ministry of Labour investigation, the inspector will provide the above persons with a copy of the decision in writing.

Pending the investigation and decision of the Director, Environmental Health and Safety or the Ministry of Labour inspector, no worker will be allowed to use or operate the equipment, machine, device or thing, or work in the area being investigated unless, in the presence of a committee member who represents workers, or a health and safety representative, or a worker who is selected by a trade union, the worker has been advised of the other worker's refusal and of their reasons for the refusal.

1. A worker may exercise the right to refuse work if they believe a hazardous situation exists, including where the worker has reason to believe that workplace violence is likely to endanger himself or herself.

2. The worker's supervisor must promptly investigate the work refusal in the presence of the worker and one of the following persons:
  - (a) a Ryerson JHSC worker representative, or
  - (b) a worker who is selected by a trade union that represents the worker.

The university will investigate cases of workplace violence as outlined in the university's Workplace Violence Prevention and Response Program.

3. If the worker continues to refuse work after the investigation, the Director, EHS, must be notified.
4. If the situation cannot be resolved by the Director, EHS, the matter will be referred to the Ministry of Labour.
5. Prior to the investigation by the Director, EHS, or the Ministry of Labour, no worker is allowed to use or operate any equipment, machine, or device, or work in the area to be investigated unless, in the presence of a worker representative, a health and safety representative, or a worker who is selected by a trade union, the worker has been advised of the work refusal and the reasons for the work refusal.
6. A Ministry of Labour inspector will investigate the refusal to work in consultation with:
  - (a) the employer or a person representing the employer,
  - (b) the worker,
  - (c) a Ryerson Health and Safety Committee worker representative, or
  - (d) a worker who is selected by a trade union that represents the worker.
7. After completing the investigation, the Ministry of labour inspector will provide all involved persons with a copy of the decision in writing.

A certified member is an individual described as a certified member under the Workplace Health and Safety Agency definition and/or Ryerson's definition of a certified member.

If a certified member believes that a dangerous circumstance exists in the workplace, the member may request a supervisor to investigate the matter. The supervisor must investigate the situation promptly and in the presence of the certified member.

A dangerous circumstance referred to above would mean a situation in which:

- (a) a provision of the Occupational Health and Safety Act or the regulations is being contravened;
- (b) the contravention poses a danger or a hazard to a worker; and
- (c) the danger or hazard is such that any delay in controlling it may seriously endanger a worker.

If the certified member has reason to believe that a dangerous circumstance continues to exist after the supervisor's investigation and remedial actions, if any, the certified member may request that a second certified member who represents the other workplace party, investigate the matter. If requested, the second certified member must promptly investigate the matter in the presence of the first certified member. If both certified members find that dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of a workplace or of any equipment, machine, device, article or thing.

If the certified members do not agree whether dangerous circumstances exist, either certified member may request that the Director, EHS, investigate the matter. If the matter cannot be resolved, the Ministry of Labour will be contacted. After remedial action is taken to rectify a potentially dangerous circumstance, the constructor or employer may request the Ministry of Labour inspector, the Director, EHS, or the certified members to jointly cancel a direction issued to the constructor or employer.

If a certified member in the workplace has reason to believe that the procedure for stopping work will not be sufficient to protect a constructor's or employer's workers at the workplace from serious risk to their health and safety, the member may apply to the adjudicator for a declaration or recommendation. If the certified member initiates this process, the member must give written notice of an application to the constructor or employer and to a Director.

1. If a certified member believes that a dangerous circumstance exists, the member may request that the area supervisor investigate.
2. The supervisor must promptly investigate any situation which a certified member deems as a dangerous circumstance.
3. The supervisor must investigate the suspected dangerous circumstance in the presence of the certified member.
4. If the certified member continues to believe that a dangerous circumstance exists after the supervisor's investigation and remedial actions, if any, the certified member may request a second certified member to investigate the matter.
5. The second certified member who represents the other work place party must promptly investigate the matter in the presence of the first certified member.
6. If both certified members find that dangerous circumstances exist, the certified members may direct the constructor or employer to stop the work or to stop the use of any part of the work place or of any equipment, machine or device.
7. If the certified members do not agree whether dangerous circumstances exist, either certified member may request the Director, EHS, to investigate the situation.

8. If the situation cannot be resolved by the Director, EHS, the matter will be referred to the Ministry of labour.
9. After remedial action is taken to rectify a potentially dangerous circumstance, the constructor or employer may request the Ministry of labour inspector, the Director, or the certified members to jointly cancel a direction issued to the constructor or employer.
10. If a certified member has reason to believe that stop work procedures will not be sufficient to protect a constructor's or employer's workers from serious risk to their health and safety, the member may apply to an adjudicator for a declaration or recommendation.

If a certified member initiates the above (Step #10), the member must give written notice of an application to the constructor or employer and to a Director.

### **Questions?**

Contact Environmental Health and Safety at 416-979-5000, ext. 553770 or [ehs@ryerson.ca](mailto:ehs@ryerson.ca).