



Employee Unsafe Work Refusal

Every employee has the right to refuse to do a task if they feel that their personal safety is being jeopardized or of that of a co-worker. The following is what is covered in the OH&S Act.

Refusal to work

(3) A worker may refuse to work or do particular work where he or she has reason to believe that,

- (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- (b) 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; or
- (c) 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.

Report of refusal to work

(4) Upon refusing to work or do particular work, the worker shall promptly report the circumstances of the refusal to the worker's employer or supervisor who shall forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,

- (a) a committee member who represents workers, if any;
- (b) a health and safety representative, if any; or

(c) a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them,

who shall be made available and who shall attend without delay.

If you feel that your safety or the safety of a co-worker may be jeopardized by performing a certain task, report your concerns to your immediate supervisor and carefully explain your concerns. Discuss it fully with your supervisor. If the supervisor feels that the task is safe to perform and you still disagree, ask to speak to a member of the JH&SC and have that person assist in resolving the situation. The member of the Joint Health and Safety Committee will review the Job Hazards Analysis performed for that task to examine all potential hazards. Check to see if the nature of the task has changed since the time the Analysis was prepared and update the Analysis accordingly in order to help resolve any of the safety concerns. In the event that you are at the jobsite of another company, have your supervisor discuss your concerns with the safety representative of that company. They can contact Gerry Sutton or Peter Grawberger for further clarification and then meet with the supervisor and employee to try and remedy the situation. If necessary, the Ministry of Labour will be contacted and an inspector will conduct an investigation and then render their decision. Please review the Job Safety Hazards Analysis during your initial training and orientation so as to address safety concerns before you actually perform your tasks and duties.