WORK REFUSAL FLOW CHART

Workers Right to Refuse Unsafe Work: Section 43 OHSA provides the right to refuse work that Workers believe is dangerous and, under certain circumstances, certified Joint Health and Safety Committee members can stop work that is dangerous. The Act also prohibits reprisals being taken against workers by their employer who exercise the right to refuse. It should be noted, the right to refuse unsafe work is **LIMITED** to various job classifications.

Procedure for a Work Refusal

First Stage

Worker has reason to believe that something about the work is unsafe.

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Worker reports refusal to his/her supervisor or employer.
Worker may also wish to advise the worker safety representative and/or management representative.
Refusing worker stays in safe place and remains available for investigation.

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Employer or supervisor investigates in the presence of the worker and the worker safety representative.

↓ **Issue Resolved**
Worker goes back to work.

↓ **Issue Not Resolved**
[Proceed to the second stage]

Second Stage

With reasonable grounds to believe work is still unsafe, worker continues to refuse and remains in safe place.
Worker or employer or someone representing worker or employer calls the Ministry of Labour.

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Ministry of Labour Inspector investigates in consultation with the worker, safety representative and supervisor or management representative.*

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Inspector gives decision to worker, management representative/supervisor and safety representative in writing.

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Changes are made if required or ordered.
Worker returns to work.

*Pending the Ministry of Labour investigation:

- The refusing worker may be offered other work if it doesn't conflict with a collective agreement
- Refused work may be offered to another worker, but management must inform the new worker that the offered work is the subject of a work refusal. This must be done in the presence of:
  - a member of the joint health and safety committee who represents workers; or
  - a health and safety representative, or
  - a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, by the workers to represent them