

Resolution of Work Refusals

Supervisor Training



Training Objectives

- To know and understand your supervisory responsibilities under the Occupational Health & Safety Act
- To know and understand the Work Refusal Process



Occupational Health & Safety Act: Internal Responsibility System

- The Ontario Occupational Health & Safety Act (OHSA) mandates that all employers, supervisors, and workers have responsibilities for safety
- Together, these duties and responsibilities create a process known as the Internal Responsibility System (IRS)



Internal Responsibility System

The Internal Responsibility System is a structure within an organization where everyone, regardless of their role within the organization, has direct responsibility for health and safety as an essential part of his or her job.



Internal Responsibility System

The IRS is based on the principle that people in the workplace are in the best position to recognize health and safety hazards, assess them and develop controls because they have the most knowledge about the equipment, the process and the hazards involved.



Reports of Health & Safety Concerns

- The Occupational Health & Safety Act encourages the use of the Internal Responsibility System process to resolve health and safety concerns in the workplace.



Duties and Responsibilities

Occupational Health & Safety Act

The Occupational Health & Safety Act prescribes responsibilities for:

- *Employers;*
- *Supervisors; and*
- *Workers*

Section 27 of the OHSA outlines the duties of Supervisors.



Duties of Supervisors (s.27)

Occupational Health & Safety Act

As a supervisor, you are responsible for:

- ensuring that workers work in a safe manner
 - ✓ workers use safety devices and equipment as required
- ensuring use of personal protective equipment (PPE)
 - ✓ workers wear PPE required for the job task



Duties of Supervisors (s.27)

Occupational Health & Safety Act

- Advising workers of hazards that you are aware of
 - ✓ potential and actual hazards
- Providing workers with written instructions
 - ✓ work instructions, procedures and measures for working safely



Duties of Supervisors (s.27)

Occupational Health & Safety Act

- Taking every precaution reasonable for the protection of a worker
 - ✓ due diligence – prove you have taken every precaution under the circumstances to eliminate accidents, injuries, and exposures in the workplace
 - ✓ comply with all legal requirements at a minimum
 - ✓ initiate corrective action for reported hazards within a timely manner



Worker Rights

Occupational Health & Safety Act

The Occupational Health & Safety Act provides all workers with 3 basic rights:

- *The Right to Know*
about hazards in your workplace
- *The Right to Participate*
in the process of identifying and resolving safety concerns
- *The Right to Refuse Work*
if you believe the work is unsafe



Work Refusal

Occupational Health & Safety Act

- Workers can refuse work if they have reasonable grounds to believe that the job they are performing, or are asked to perform, could pose a danger either to themselves or to another worker.



Work Refusal

Occupational Health & Safety Act

- Workers may refuse work if they feel the physical conditions of the workplace are dangerous to their health and safety.
- Workers may refuse work if they believe they are in danger of workplace violence.



Work Refusal

Occupational Health & Safety Act

- There is a work refusal process to follow which is defined in the OHSA
- This process must be followed every time a worker reports a work refusal



Work Refusal Process

University of Windsor procedures & forms

The work refusal process is detailed in:

Procedure: [OHS-4.5.2 Work Refusal](#)

Form: [OHS-4.5.2a Work Refusal Form](#)

All Supervisors must be familiar with these documents, which can be found online at www.uwindsor.ca/safety



Avoiding a Work Refusal

- Supervisors must respond to workers' concerns and initiate corrective action as soon as possible
 - ✓ Provide recommended solutions, timelines to resolve the concern, actions that have been taken to address the issue to date
- Encourage hazard reporting from staff
 - ✓ Provide timely feedback



Avoiding a Work Refusal

- Facilitate communication regarding safety concerns within the department
 - ✓ regular safety meetings, newsletters or memos, 5-minute safety talks, inspections of work areas with staff
- Involve workers in the solution
 - ✓ new design of work area, selection of new equipment, etc.



When a worker refuses work...

- Supervisors must follow the work refusal process as outlined in the procedure
- Worker stays in a safe place pending the investigation
- Worker should begin to complete Section A of the Work Refusal Form if not already completed



Stage 1 Investigation

Supervisors are to arrange an investigation immediately with:

- worker
- worker member of the Central Safety Committee (CSC)
- union representative (if applicable)
- A representative from the Health & Safety office shall be contacted by the Supervisor.



Stage 1 Investigation cont'd

- A listing of Central Safety Committee members can be found on the Health & Safety website (www.uwindsor.ca/safety/csc)
- Once the investigation is complete, Supervisor documents the investigation findings on the Work Refusal Form (*Section B*).



Stage 1 Investigation cont'd

- If the Supervisor agrees that the work is unsafe, corrective action is initiated.
- An action plan is documented on the Work Refusal Form in consultation with the worker. This includes immediate actions taken to secure the area (ie. area or equipment is locked out).
- The action plan must include timelines for completion (*Section C*).



Stage 1 Investigation cont'd

- If the worker is satisfied with the action plan to resolve the issue, both the Supervisor and Worker sign the form to agree to the action plan (*Section C*).
- When all of the actions are complete, the Worker and Supervisor will sign the form again to acknowledge that the work refusal is now resolved (*Section D*).



Stage 1 Investigation cont'd

- If the worker does not agree that the action plan will resolve the safety concern, the Work Refusal proceeds to Stage 2.
- If the Supervisor does not agree that the work is unsafe after investigation, the Work Refusal proceeds to Stage 2.

(Section D2 of Work Refusal Form)



Stage 2 Investigation

- If the worker has reasonable grounds to believe the work is still unsafe, the worker continues to refuse work and remains in a safe place pending the Ministry of Labour investigation.
- The Employer, Supervisor, or Worker calls the Ministry of Labour to investigate the refusal and give a decision.



Stage 2 Investigation:

Offering refused work to other workers

- Refused work may be offered to another worker, but the employer must inform the second worker that the work is the subject of a work refusal and the reasons for the refusal.
- This offer of work must be done in the presence of the worker member of the CSC.



Stage 2 Investigation cont'd

- When the Ministry of Labour Inspector arrives, they will investigate the refusal in the presence of the worker, Supervisor, worker member of the CSC, and union representative if applicable.
- The Ministry of Labour Inspector will give a decision to all parties above in writing.



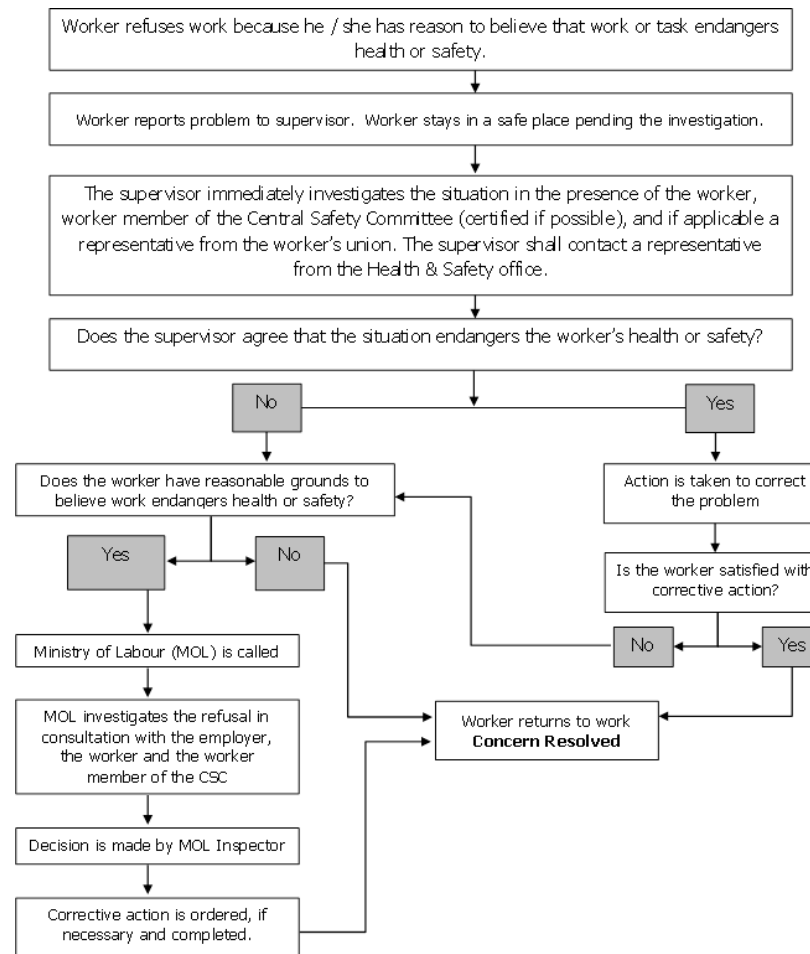
Stage 2 Investigation cont'd

When the decision is received from the Ministry of Labour Inspector:

- actions are to be taken as required or ordered (if any).
- once actions are complete, worker returns to work.
- work refusal is resolved.



Work Refusal Process Flowchart (referenced in OHS-4.5.2)



Bilateral Work Stoppage

- A certified member of the CSC may also initiate a work refusal if they believe that dangerous conditions exist at the workplace
- After an investigation by the Supervisor, the certified member may request a second certified member to investigate



Bilateral Work Stoppage

- If the two certified members agree that dangerous conditions exist, they give the employer a direction to stop work.
- If they do not agree, the Ministry of Labour is called for a written decision.
- Reference Bilateral Work Stoppage flowchart in the Work Refusal procedure



More Information

Visit the Health & Safety website at www.uwindsor.ca/safety for links to:

- Ontario Occupational Health & Safety Act
- University of Windsor Health & Safety policies, procedures, resource documents and forms



Quiz – Completion of Training

- Please complete the *Resolution of Work Refusals* training quiz by following this link to the Health & Safety website:
www.uwindsor.ca/safety/workrefusaltraining
- Completed quizzes can be emailed to safety@uwindsor.ca or faxed to 519-971-3671
- For further information or questions regarding the training presentation, contact Health & Safety at ext. 4521 or ext. 4547

