
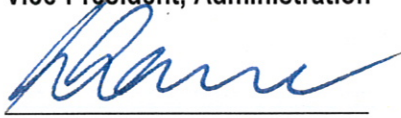


Complete Program Title: <b>Work Refusal Program</b>	Risk Management Manual (RMM) Number: <b>114</b>
Approved by:  <b>Vice-President, Administration</b>  <b>President and Vice-Chancellor</b>	Date of Most Recent Approval: <b>March 2014</b>
Date of Original Approval: <b>September 2008</b>	Supersedes/Amends Program dated: <b>April 2010</b>
Responsible Executive: <b>Vice-President, Administration</b>	Enquiries: <b>Environmental and Occupational Health Support Services (EOHSS) <a href="mailto:eohtss@mcmaster.ca">eohtss@mcmaster.ca</a></b>
<b>DISCLAIMER:</b> <i>If there is a discrepancy between this electronic program and the written copy held by the program owner, the written copy prevails.</i>	

## 1 PURPOSE

- 1.1 To ensure the safety of faculty, staff, students, visitors and contractors.
- 1.2 To outline procedures to resolve health and safety related work refusals and ensure compliance with the Occupational Health & Safety Act.

## 2 SCOPE

- 2.1 All McMaster University employees.

## 3 RELATED DOCUMENTS

- 3.1 Occupational Health and Safety Act and Regulations R.S.O. 1990 for Industrial Establishments (O. Reg 851) and Construction Projects (O. Reg 213/91)
- 3.2 RMM #100 McMaster University Workplace and Environmental Health and Safety Policy
- 3.3 RMM#102 Occupational Health and Safety Act
- 3.4 RMM #104 McMaster University Central Joint Health and Safety Committee
- 3.5 RMM #105 McMaster University Joint Health and Safety Committees
- 3.6 RMM #300 Safety Orientation and Training Program

## 4 DEFINITIONS

- 4.1 **Certified Member** – a JHSC committee member who is certified (Part One – Basic Certification and Part Two – Workplace-Specific Hazard Training) by the Ministry Of Labour as per the Occupational Health and Safety Act.
- 4.2 **Employer**- a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with the owner, constructor, contractor or subcontractor, to perform work or supply services.
- 4.3 **Ensure** – take every reasonable precaution to achieve the stated objective.
- 4.4 **Refusal to Work** – *A worker may refuse to work or do particular work where he or she has reason to believe he or she or another worker may be endangered according to the definition in OHSa section 43(Appendix A).*
- 4.5 **Supervisor** – person who has charge of a workplace or authority over a worker.
- 4.6 **Worker** – means a person who performs work or supplies services for monetary compensation.
- 4.7 **Work Refusal Investigative Team** – shall consist of the worker, the workers immediate supervisor, a certified member representing workers from the workplace , a representative from the FHSc Safety office and/or a representative from EOHSS, and if necessary, a management representative with authority to make change in the workplace. Note: Security Service will be a member of the Work Refusal Investigative Team in case of work refusal relating to workplace violence.
- 4.8 **Acronyms**
- CJHSC** – Central Joint Health and Safety Committee
- EOHSS** – Environmental and Occupational Health Support Services
- FHSc safety office** – Faculty of Health Sciences Safety Office
- JHSC** – Joint Health and Safety Committee
- MOL** – Ministry of Labour
- OHSa** - Occupational Health and Safety Act R.S.O., 1990
- RMSG** – Risk Management Support Group
- RMM** – Risk Management Manual

## 5 WRIT – WORK REFUSAL INVESTIGATIVE TEAM RESPONSIBILITIES

### 5.1 Role of Senior Managers (Deans / Directors / Chairs / Managers):

Senior Managers shall:

- provide the required resources and direction to support the Work Refusal Program.

- ensure that all employees under their direction are aware of the Work Refusal Program.
- ensure an adequate reporting structure is present so workers, students and volunteers have a way and means of identifying concerns.

## 5.2 **Role of Supervisors (Administrative and Academic):**

Supervisors shall:

- be knowledgeable of the work refusal procedures (See Appendix A);
- on receipt of work refusal, ensure the worker is removed to a safe location and to remain in a safe place and available for investigation;
- not assign work to another worker unless that worker is informed of the other worker's work refusal and advised of the reasons for the refusal;
- take immediate steps to secure the work area and call in the certified worker representative as designated from the representative body to investigate in the presence of the worker and supervisor;
- take steps to correct the unsafe condition to the satisfaction of the worker and certified worker member;
- convene the Work Refusal Investigative Team (WRIT) in consultation with the worker and certified worker representative, if the unsafe condition cannot be resolved to the satisfaction of the worker and certified worker representative;
- report the work refusal as soon as possible to EOHSS, ext 24352 or FHSc Safety Office, ext 24956;
- participate in the job hazard analysis and preparation of a written investigation report and recommendations; and
- ensure that work only resumes after the WRIT has signed off on an agreed to solution that has eliminated the hazard.

## 5.3 **Role of Workers:**

Individual Workers shall:

- stop work when they believe that an immediate safety hazard exists in the workplace that may endanger themselves or another worker;
- report the work refusal to their immediate supervisor; and
- participate in the investigation with the supervisor and the certified worker representative.

#### 5.4 **Role of Work Refusal Investigative Team:**

The WRIT shall:

- be coordinated by the Supervisor;
- convene as soon as possible at or near the site of the work refusal;
- investigate the work refusal;
- file a report with recommendations that resolve the safety issue; and
- in the event of an impasse, request intervention by an MOL inspector.

#### 5.5 **Role of Environmental and Occupational Health Services (EOHSS) and Faculty of Health Sciences Safety Office (FHSc safety office):**

The EOHSS and/or FHSc safety office shall:

- respond to all work refusals as members of the WRIT;
- ensure that work resumes only when the WRIT investigative report has been accepted by the workplace parties and all of the WRIT recommendations implemented;
- in the event that a resolution of the safety issue has not been agreed to, arrange for an MOL inspector to attend the area in question; and
- ensure the appropriate JHSCs are informed of a work refusal

#### 5.6 **Role of Joint Health and Safety Committees (JHSCs):**

JHSCs shall:

- ensure that certified JHSC worker members participate in investigations of work refusals as required by OHSA;
- participate in the WRIT investigation ; and
- receive and review copies of WRIT investigation reports and any MOL work refusal investigation reports.

#### 5.7 **Role of Central Joint Health and Safety Committee (CJHSC):**

The CJHSC shall:

- review the Work Refusal Program on a scheduled basis;
- receive and review copies of the WRIT investigation reports and any MOL work refusal investigation reports;
- ensure that CJHSC certified worker members are prepared to participate in investigations in support of absent JHSC certified worker members; and
- ensure a certified member is on the WRIT.

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## **6 PROCEDURES**

### **6.1 Application of Work Refusals**

- 6.1.1 All workers have the right to declare a work refusal (See Appendix A).
- 6.1.2 Supervisors and employees must distinguish the work refusal procedure from every day due diligence associated with the recognition and correction, reporting and correcting of workplace safety hazards that should be addressed by the supervisor and the employee in the workplace.
- 6.1.3 When resolution of a workplace issue cannot be agreed upon and the worker believes that a hazard still exists, work refusal procedures will be initiated.

### **6.2 Initiating Work Refusals**

- 6.2.1 The worker shall immediately notify his or her supervisor that he or she is refusing to perform unsafe work because he or she has reason to believe that performing the work may endanger themselves or another worker.
- 6.2.2 The worker shall remain in a safe place, and be available for the investigation.

### **6.3 Investigation Procedures**

- 6.3.1 The supervisor shall notify the designated JHSC certified worker member.
- 6.3.2 The supervisor shall arrange for the WRIT to be convened at the work site.
- 6.3.3 The WRIT shall be comprised of the supervisor, the involved worker, a certified JHSC worker member, and representative from the EOHSS and/or FHSc Safety Office. In instances involving violence, Security Services will attend.
- 6.3.4 If an acceptable resolution to the health or safety issue is not agreed to by all members of the WRIT, the MOL shall be contacted.

## **7 Records**

- 7.1 A permanent record shall be maintained of all investigations related to work refusals.

## Appendix A

Ontario Occupational Health and Safety Act, PART V: RIGHT TO REFUSE OR TO STOP WORK WHERE HEALTH OR SAFETY IN DANGER

[http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm)