


Complete Program Title: <b>Stop Work Procedures Program</b>	Risk Management Manual (RMM) Number: <b>303</b>
Approved by:  <b>Vice-President, Administration</b>  <b>President and Vice-Chancellor</b>	Date of Most Recent Approval: <b>October 2017</b>
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Responsible Executive: <b>Vice-President, Administration</b>	Enquiries: <b>Environmental and Occupational Health Support Services (EOHSS)</b> <a href="mailto:eoHSS@mcmaster.ca">eoHSS@mcmaster.ca</a>
<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 that McMaster University is in compliance with the Occupational Health and Safety Act with respect to stop work procedures as defined under this Act.
- 1.2 To outline the procedure for Bilateral Work Stoppages.

## 2 SCOPE

- 2.1 All facilities where McMaster University faculty, staff, students, visitors, contractors and volunteers are working.

## 3 RELATED DOCUMENTS

- 3.1 Occupational Health and Safety Act (OHSA), R.S.O. 1990
- 3.2 A Guide to the Occupational Health and Safety Act

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## 4 DEFINITIONS

### 4.1 **Dangerous Circumstances** – a situation in which,

- (a) a provision of this 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.

**Designated Certified JHSC Member** – A member of a JHSC who has completed all the necessary training to become a certified member for that JHSC and has been designated as per Section 9 (15) of the OHSA.

**Hazardous Circumstances** – A situation that does not fit the definition of a dangerous circumstance but may still pose a danger to the health or safety of workers.

### 4.2 **Acronyms:**

**EOHSS** – Environmental and Occupational Health Support Services

**FHS Safety Office** – Faculty of Health Sciences Safety Office

**JHSC** – Joint Health and Safety Committee

**MOL** – Ministry of Labour

**OHSA** – Occupational Health and Safety Act

**RMSG** – Risk Management Support Group

**WSIB** – Workplace Safety & Insurance Board

## 5 RESPONSIBILITIES

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

Senior Managers shall:

- Provide the required resources and direction to support and maintain the Stop Work Procedures Program; and
- Ensure supervisors are informed of the Stop Work Procedures Program and follow the procedure when informed by a Certified JHSC Member that dangerous circumstances exist.

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**5.2 Role of Faculty and Staff and Students:**

Faculty, staff and students shall:

- Stop work and report any dangerous circumstances to the supervisor;
- Remain in a safe place and available for investigation;
- Assist in the investigations, if necessary surrounding a determination that dangerous circumstances exist; and
- Comply with any Stop Work order.

**5.3 Role of Supervisors**

Supervisors Shall:

- Ensure the health and safety of the workers are maintained at all times during the investigation;
- Assist the Certified JHSC Member in his or her investigation and determine as to whether or not dangerous circumstances exist (see Appendix 2 for the procedure as outlined in the OHSA);
- Contact EOHSS or FHS safety office and inform of the details of the investigation;
- Call in the second certified member if the first certified member continues to believe dangerous circumstances exist after the investigation and any remedial actions have been taken; and
- Comply with any Stop Work order.

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

JHSCs shall:

- Have at least one worker and one management member certified;
- Designate one certified worker and one certified management member who may exercise the right to initiate and/or participate in a bilateral work stoppage;
- Notify EOHSS or FHS safety office of the designated certified members; and
- After a bilateral work stoppage, report upon and make recommendations to prevent the situation from recurring.

## 5.5 Role of the Designated Certified JHSC Members:

The Designated Certified JHSC members shall:

- Know the requirements of a bilateral work stoppage and follow the procedures outlined under Section 45 of the OHS Act when asked to investigate whether or not dangerous circumstances exist;
- Respond to any concern that dangerous circumstances exist;
- Investigate the situation suspected as a dangerous circumstance, as required by the Act;
- Interact with the MOL, if needed, during a bilateral Work Stoppage; and
- Report any investigations and actions taken to the JHSC.

## 5.6 Role of Environmental and Occupational Support Services and Faculty of Health Sciences Safety Office (EOHSS/FHS safety office):

EOHSS/FHS safety office shall:

- Assist the designated certified members and supervisor in resolving the health and safety concern whether or not it is a situation of dangerous circumstances or hazardous circumstances.
- Call the MOL immediately when they are informed that there is a disagreement concerning whether or not dangerous circumstances exist;
- Maintain a list of designated certified members for each JHSC; and

## 6 TRAINING

- All Certified JHSC Members are required to successfully complete specialized training in occupational health and safety, basic certification as well as workplace specific hazards training.

## 7 PROCEDURES

### 7.1 Stop Work Procedure – Bilateral

The Occupational Health and Safety Act allows dangerous work to be stopped.

In most cases, it takes two certified members to direct an employer to stop dangerous work (*bilateral stoppage*). One must be a certified member representing workers; the other, a certified member representing the employer. In some special cases, a single certified member may have this right.

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### Dangerous Circumstances

Work can be stopped only in "dangerous circumstances" [section 44(1)]. This means a situation in which *all* of the following are true:

- the Act or the regulations are being contravened; and
- the *contravention* poses a danger or a hazard to a worker; and
- any delay in controlling the danger or hazard may seriously endanger a worker.

### Joint Right to Stop Work – Bilateral Work Stoppage/Procedures

1. If a certified member has reason to believe that dangerous circumstances exist, he or she shall ask a supervisor to investigate. The supervisor must do so promptly and in the presence of the certified member who made the request. This certified member may be one representing either the workers or the employer [section 45(1)].
2. If the certified member believes that dangerous circumstances still exist, he or she may ask another certified member to investigate [section 45(2)]. The second certified member must do so promptly and in the presence of the first certified member [section 45(3)].
3. The second certified member must represent the other workplace party. For example, if the first certified member represents workers, the second must represent the employer.

In prescribed instances, a certified member who represents the employer but who is not available at the workplace may designate another person to act for him or her in a situation involving dangerous circumstances [section 45(9)].

Certified workers are to perform investigation in a safe manner.

#### **If both certified members agree that dangerous circumstances exist:**

4. The certified members can direct the employer to stop the work or to stop using any part of the workplace or any equipment, machinery, tools, etc. [section 45(4)].
5. The employer must do so immediately, in a way that does not endanger anyone [section 45(5)].
6. After taking steps to remedy the dangerous circumstances, the employer can request the certified members who issued the stop-work direction, or a MOL inspector, to cancel it [section 45(7)]. Only the certified members who issued the written direction can jointly cancel it, or a MOL inspector cancels it [section 45(8)].

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**If the certified members do not agree with each other that dangerous circumstances exist.**

7. If the certified members disagree, work cannot be stopped. However, either certified member may ask a MOL inspector to investigate. Following the investigation, the inspector will give a written decision to both certified members *[section 45(6)]*.

## 8 RECORDS

### 8.1 Record of Bilateral Work Stoppages:

- A record of the investigation and any recommendations shall be kept with the minutes of the JHSC.

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## Appendix 1 Bilateral Work Stoppage (Excerpt from OHSA)

45. (1) A certified member who has reason to believe that dangerous circumstances exist at a workplace may request that a supervisor investigate the matter and the supervisor shall promptly do so in the presence of the certified member.

### Investigation by second certified member

(2) The certified member may request that a second certified member representing the other workplace party investigate the matter if the first certified member has reason to believe that dangerous circumstances continue after the supervisor's investigation and remedial actions, if any.

### Idem

(3) The second certified member shall promptly investigate the matter in the presence of the first certified member.

### Direction following investigation

(4) If both certified members find that the 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.

### Constructor's or employer's duties

(5) The constructor or employer shall immediately comply with the direction and shall ensure that compliance is effected in a way that does not endanger a person.

### Investigation by inspector

(6) If the certified members do not agree whether dangerous circumstances exist, either certified member may request that an inspector investigate the matter and the inspector shall do so and provide the certified members with a written decision.

### Cancellation of direction

(7) After taking steps to remedy the dangerous circumstances, the constructor or employer may request the certified members or an inspector to cancel the direction.

### Idem

(8) The certified members who issued a direction may jointly cancel it or an inspector may cancel it.

### Delegation by certified member

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(9) In such circumstances as may be prescribed, a certified member who represents the constructor or employer shall designate a person to act under this section in his or her stead when the certified member is not available at the workplace. R.S.O. 1990, c. O.1, s. 45.



Appendix 2 Bilateral Stop Work Procedure

