

ADMINISTRATIVE PROCEDURE 495	
SECTION: PERSONNEL & EMPLOYEE RELATIONS	
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Contact	Health & Safety, Human Resources

Refusing Unsafe Work

1. Purpose

This administrative procedure provides a means for staff members in the Renfrew County District School Board to exercise their right to refuse to do work they have reason to believe may endanger them or other staff members in accordance with the *Occupational Health and Safety Act*.

2. Definitions

- 2.1 Reason to Believe: “Reason to Believe” refers to a fear that a danger exists, and does not require any supportive evidence to substantiate the refusal to work. This stage of the process precedes the investigation described in subsection 5.3.
- 2.2 Reasonable Grounds to Believe: “Reasonable grounds to believe” means that there is supportive evidence to back up the staff member’s safety concern. The staff member may continue to refuse to work following the investigation described in subsection 5.3, if there is evidence for the refusal.

3. Right to Refuse Work

- 3.1 A staff member of the District may refuse to do work if he or she has reason to believe that:
 - 3.1.1 any equipment, machine or device that the staff member is using or is told to use is likely to endanger himself or herself or another staff member of the District;
 - 3.1.2 the physical condition of the workplace is likely to endanger the staff member;
 - 3.1.3 any equipment, machine or device that the staff member is using or the physical condition of the workplace is a contravention of the *Occupational Health and Safety Act* or the regulations and such contravention is likely to endanger himself or herself or another staff member of the District; or
 - 3.1.4 workplace violence is likely to endanger himself or herself.

- 3.2 There is a limitation on a teacher's right to refuse unsafe or unhealthy work. Teachers may not exercise this right if in doing so the teacher places the life, health or safety of a student in imminent jeopardy.

4. Investigation by the Principal or Supervisor

- 4.1 All staff members are responsible for reporting to their principal or supervisor the absence of or defect in any equipment or protective devices, any contravention of the *Occupational Health and Safety Act* or regulations and the existence of any hazard of which they are aware.
- 4.2 The principal or supervisor, once notified, along with the staff member who raised the health and safety concern, will investigate the concern as soon as possible.

5. Refusal to Work

- 5.1 If the issue is not resolved at this point or the safety concern is not investigated in a timely way and the staff member has reason to believe that he or she is in danger, the staff member shall immediately inform the principal or supervisor that he or she is refusing to work. The staff member must explain the circumstances of the refusal, but is not required to have supportive evidence to substantiate the refusal.
- 5.2 When a staff member has exercised the right to refuse work, the principal or supervisor shall immediately notify the designated worker member of the Health and Safety Committee and the Health and Safety Officer.
- 5.3 The principal or supervisor and the worker member shall immediately investigate the circumstances of the refusal in the presence of the staff member and report to the Health and Safety Officer.
- 5.4 The staff member refusing work must remain in a safe place near the work area until the investigation is completed. The staff member should not be sent home. No other staff member may be asked to perform the work that has been refused without full knowledge and disclosure.
- 5.5 If the situation is resolved, the staff member returns to work.

6. Continued Refusal to Work

- 6.1 If following investigation and any steps taken to rectify the situation, the worker has reasonable grounds to believe that:
 - 6.1.1 any equipment, machine or device that the staff member is using or is told to use is likely to endanger himself or herself or another staff member of the District;
 - 6.1.2 the physical condition of the workplace is likely to endanger the staff member;
 - 6.1.3 any equipment, machine or device that the staff member is using or the physical condition of the workplace is a contravention of the *Occupational Health and Safety Act* or the regulations and such contravention is likely to endanger himself or herself or another staff member of the District; or
 - 6.1.4 workplace violence is likely to endanger himself or herself, he or she may continue to refuse to work. The staff member shall state what the “reasonable grounds” are for continuing the work refusal and provide supportive evidence.
- 6.2 The principal or supervisor or Health and Safety Officer shall notify a Ministry of Labour inspector to report this continuing work refusal.
- 6.3 While waiting for the inspector, the staff member shall remain in a safe place and may be assigned other reasonable work. No other staff member may be asked to perform the refused work without full knowledge and disclosure.

- 6.4 The Ministry of Labour inspector will investigate the refusal in the presence of the refusing staff member, worker member of the Health and Safety Committee and the Health and Safety Officer.
- 6.5 The inspector will make a written decision that will be given to the staff member, the worker member, site supervisor and the Health and Safety Officer. The Health and Safety Officer will provide a copy of the decision to the Superintendent of Business.
- 6.6 If the inspector finds that no danger exists, the refusing staff member must return to work.
- 6.7 If the inspector finds that a danger exists, he or she can issue orders to resolve the problem.
- 6.8 The principal or supervisor shall ensure that all orders written by the inspector and any other corrective actions are carried out.

7. Reprisals Prohibited

- 7.1 No person acting on behalf of the Director of Education or the Board shall:
 - 7.1.1 dismiss or threaten to dismiss a staff member;
 - 7.1.2 discipline or suspend or threaten to discipline or suspend a staff member;
 - 7.1.3 impose any penalty upon a staff member; or
 - 7.1.4 intimidate or coerce a staff member because the staff member has exercised the right to refuse unsafe or unhealthy work; or
 - 7.1.5 sharing this procedure does not constitute a threatening or intimidating action.

8. Disciplinary Procedures

- 8.1 If a staff member continues to refuse work without justification or cause, the appropriate disciplinary procedures will be followed, up to and including termination of employment with the District.

Legal References:

- [Occupational Health and Safety Act](#)
- [Education Act](#)

Renfrew County District School Board References:

- [AP 311 - Violence Prevention and Reporting of Incidents](#)
- [AP 402 - Occupational Health and Safety](#)

Procedure History

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