



HEALTH, SAFETY &
ENVIRONMENTAL MANUAL

3.10 Work Refusal Procedure

Revision Number: **R0**

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WORK REFUSAL PROCEDURE

PURPOSE

J-AAR recognizes and supports all workers' rights to refuse work based on health and safety concerns.

A worker has the right to refuse work when he/she has reason to believe that:

- i. Any equipment, machine, device, or thing the worker is to use or operate is likely to endanger himself, herself, or another person.
- ii. The physical condition of the workplace in which he or she works is likely to endanger them or another person.
- iii. Workplace violence is likely to endanger himself or herself.
- iv. A contravention of the O.H.S.A. and Regulations exists, and that contravention is likely to endanger that worker.

Also, company policy states that if through lack of experience they are not competent to do a task safely, they may refuse work.

The worker needs to first speak with the supervisor or H&S Representative to try and resolve the problem before starting a Work Refusal process.

PROCEDURE

First Stage

1. The worker considers the work to be unsafe.
2. The worker reports refusal to his/her supervisor or employer. The worker may also wish to advise the H&S representative. The worker stays in a safe place.
3. Employer or supervisor investigates in the presence of the worker and the H&S representative.
4. Either:
 - a. Issue resolved. The worker goes back to work.
 - b. Issue not resolved. Proceed to the second stage.

Second Stage

1. With reasonable grounds to believe work is still unsafe, the worker continues to refuse and remains in a safe place. Worker or employer or someone representing worker or employer calls MLITSD.
2. MLITSD Inspector investigates in company of worker, H&S representative and supervisor or management representative.***
3. Inspector gives the decision to the worker, management representative/supervisor and H&S representative in writing.
4. Changes are made if required or ordered. Worker returns to work.

***Pending MLITSD Investigation

- The refusing worker may be offered other work if it doesn't conflict with a collective agreement.



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- Until the investigation is complete, the worker shall remain in a safe place that is near as reasonably possible to his workstation and be available to the employer for the purposes of the investigation.
- Refused work may be offered to another worker, but management must inform the new worker that the offered work is the subject of 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.

LEGISLATION

Occupational Health and Safety Act, Section 43