

University Health Network Policy & Procedure Manual UHN Safety Services: Refusal to Work

Policy

University Health Network (UHN) recognizes that unsafe circumstances or conditions might develop where a worker has grounds to believe that the work will endanger him/herself or another worker. UHN recognizes the right of a worker to refuse to work under unsafe circumstances and unsafe conditions.

Under the Ontario Occupational Health and Safety Act, hospital workers are prohibited from refusing to work where it is inherent that the worker's work is a normal condition of the worker's employment; or when the worker's refusal to work would directly endanger the life, health, or safety of another person.

Because of the complex nature of the law in a healthcare setting, all work refusals are dealt with on a case-by-case basis with the assistance of the UHN Safety Services (USS).

In the case of a work refusal, it is illegal for an employer to:

- dismiss or threaten to dismiss a worker,
- discipline or suspend or threaten to discipline or suspend a worker,
- impose any penalty upon a worker, or
- intimidate or coerce a worker.

Procedure

1. **Worker:** Upon refusing to work or do particular work, promptly inform your supervisor of the circumstances and reasons for the refusal.
2. **Supervisor:** Immediately contact a worker member of the Joint Health & Safety Committee (JHSC), preferably a certified member, when informed of a work refusal because a worker has reason to believe that:
 - any equipment, machine, device, or thing they are to operate or a physical condition of the workplace is likely to endanger themselves, **or**
 - a physical condition of the workplace is in contravention of the Act or regulations and is likely to endanger themselves or another worker.

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Section	Workplace Safety	Revision Dates	10/99; 06/09; 08/12
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3. **Supervisor and the worker member of the JHSC:** Investigate the circumstances of the work refusal in discussion with the worker.

- **Worker:** Remain in a safe place near your workstation during the investigation.

Notes:

- If the supervisor agrees that the worker is endangered and takes corrective action that satisfies the refusing worker, the refusal is resolved.
- If the worker continues to refuse and has reasonable grounds to believe that the circumstances mentioned in [step 2](#) continue to endanger themselves, or another worker, the work refusal is not resolved.
- The supervisor may call USS at any time for advice, but should contact USS at this juncture.

4. **USS:** If the worker continues to refuse, contact the Ministry of Labour, Training and Skills Development (MLTSD).

Notes:

- The refusing worker may be assigned reasonable alternative duties while waiting for the MLTSD inspector.
- Another worker may be assigned to perform the work that was refused, as long as the MLTSD has been contacted and the worker is informed of the work refusal and the circumstances in the presence of a worker member of the JHSC. However, this worker may also refuse the work.

5. The MLTSD inspector investigates the work refusal in the presence of the worker, worker member of the JHSC and the supervisor.

6. The MLTSD inspector decides if the work or conditions are likely to endanger, and their decision is final.

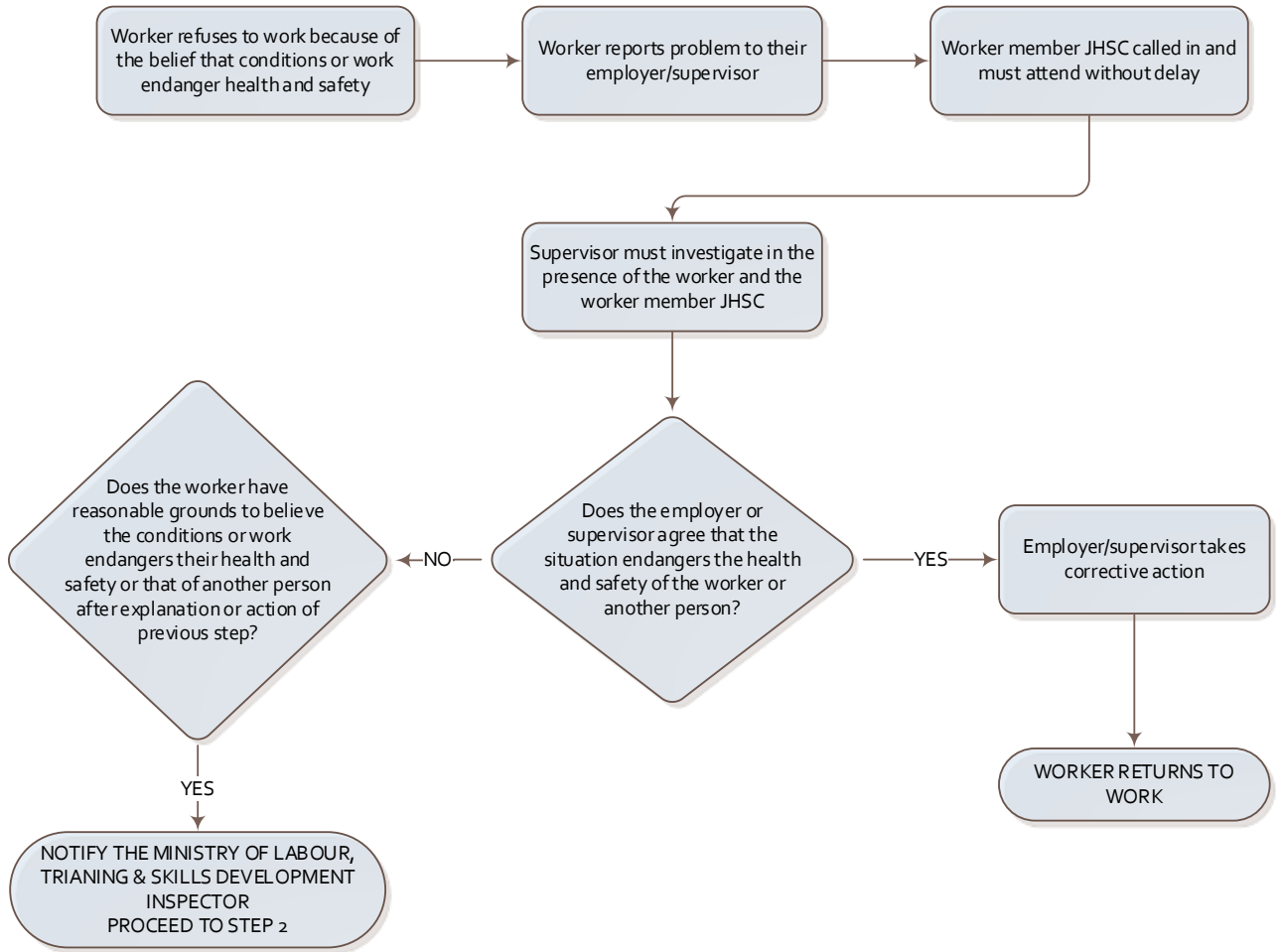
7. For a summary of the process, see the [Work Refusal Process – Stage 1](#) and [Stage 2](#) algorithms in the Appendix.

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Appendix

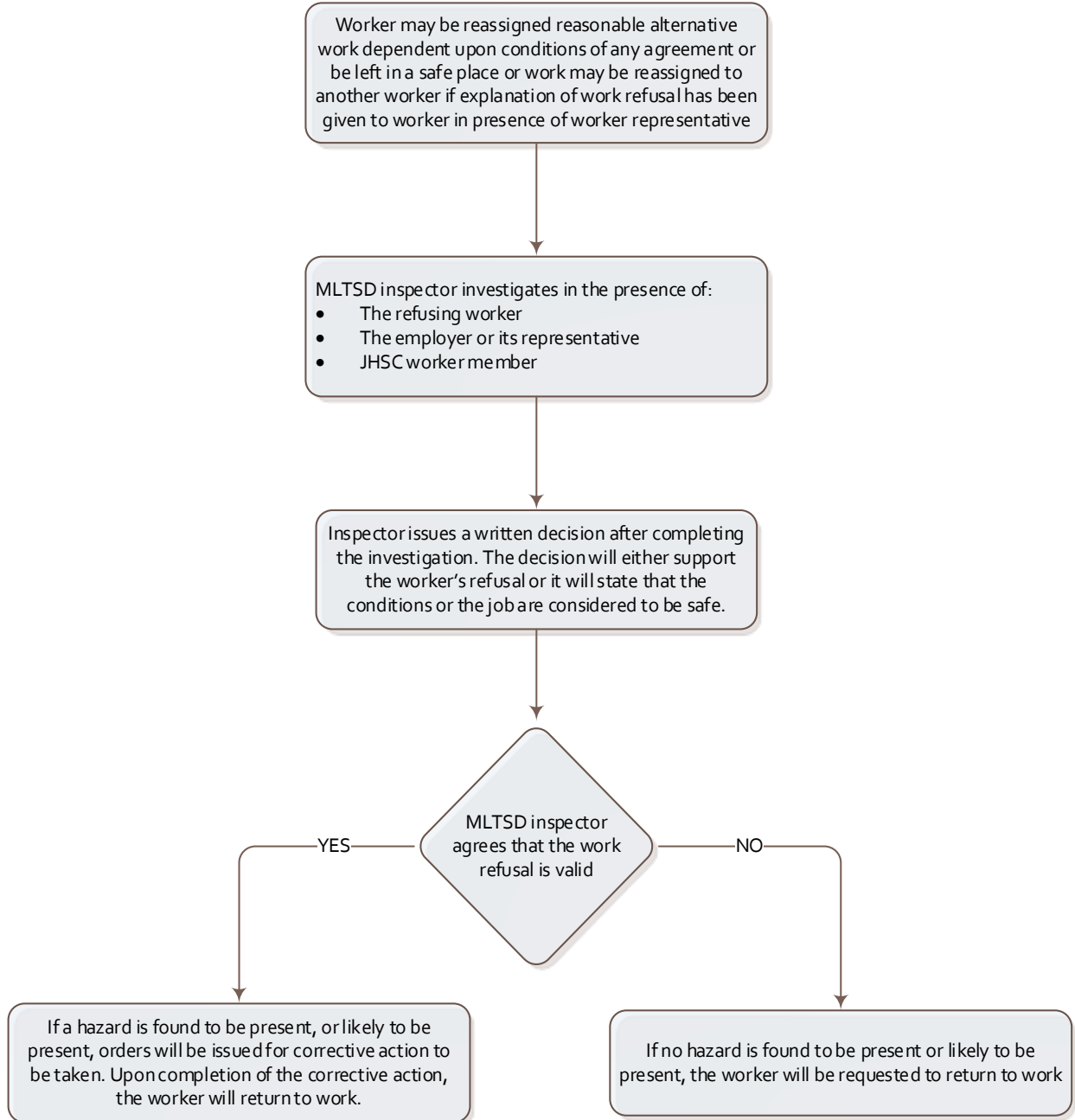
Work Refusal Process – Stage 1



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Work Refusal Process – Stage 2



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