University Health Network
Policy & Procedure Manual
UHN Safety Services: Bilateral Work Stoppage

Policy

University Health Network (UHN) recognizes the authority of certified members of a Joint Health and Safety Committee (JHSC) to stop work if they believe a dangerous circumstance exists in accordance with section 45 (Bilateral Work Stoppage) of the Occupational Health & Safety (OH&S) Act.

Definition

Dangerous circumstance: A situation where the following three conditions are met:

- failure to comply with the OH&S Act,
- it poses a danger or a hazard to the worker, and
- any delay in controlling the danger or hazard may seriously endanger a worker.

Note: The work stoppage provisions of the OH&S Act do not apply where the dangerous circumstance is characteristic of the work or the work stoppage would directly endanger the life, health or safety of another person.

Procedure

1. A certified member of any UHN JHSC who believes that a dangerous circumstance exists or receives a complaint from another employee that a dangerous circumstance exists investigates the situation.

   - The certified member requests a supervisor/manager to investigate the situation.
   - The supervisor/manager promptly investigates the situation in the presence of the certified member.
2. If after the supervisor/manager has investigated and possibly taken any remedial action, the certified member believes the dangerous circumstance still exists, they request the second certified member representing the other workplace party to investigate the matter.

   • The second certified member promptly investigates the matter in the presence of the first certified member.

3. If both certified members find that a dangerous circumstance exists, they direct the employer to stop work or stop the use of any part of the workplace or of any equipment, machine, device, article or thing.

   • The employer complies immediately with the direction and ensures compliance is effected in a way that does not endanger a person.

4. If the certified members do not agree that a dangerous circumstance exists, either certified member requests that a Ministry of Labour, Training and Skills Development (MLTSD) inspector investigate the matter.

   **Note:** The MLTSD inspector will provide the certified members with a final written decision.

5. After taking steps to remedy the dangerous circumstance, the employer requests that the certified members or the MLTSD inspector cancel the stop work direction.

6. Refer to Bilateral Work Stoppage Algorithm.

**Reference**

Occupational Health and Safety Act, R.S.O. 1990, c. O.1, s. 44-49.
Certified member of JHSC requests supervisor investigate a dangerous circumstance

Supervisor and certified member investigate dangerous circumstance together

Does the employer or supervisor agree that the dangerous circumstance exists?

Yes

Stop work immediately until employer / supervisor takes corrective action

No

A second certified member representing the other side of the committee is contacted

No

One or both Certified members may call MLTSD Inspector to inspect

MLTSD inspects and provides written decision

Corrective Action Ordered?

Yes

Stop work immediately until employer / supervisor takes corrective action

No

MLTSD does not believe a dangerous circumstance exists under the present conditions

Certified members cancel stop work order

Bilateral Work Stoppage Algorithm