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<b>Revision:</b> 2.0	<b>Subject:</b> Refusal to Work	

## 1. Introduction

The Environmental Health and Safety Standard Operating Procedure for refusal to work was developed by the Department of Environmental Health and Safety in accordance with the University's Policy Statement on Health and Safety and to ensure compliance with the Occupational Health and Safety Act.

## 2. Scope

This SOP applies throughout the University and all off campus sites. This SOP also applies to all faculty, staff, and students who are paid to do research, or carry out any other work that takes place off-campus and is under the purview of the University.

## 3. Applicable Legislation

Occupational Health and Safety Act (R.S.O. 1990)

## 4. Responsibilities

### 4.1 Responsibilities of Directors, Department Heads and Managers

Each has the following responsibilities under this standard operating procedure:

- Ensure that all supervisors are familiar with this SOP, and their duties and responsibilities as a supervisor. This can be accomplished by taking the Supervisor Training session offered by the Department of Environmental Health and Safety;
- Ensure that all supervisors are aware of and understand the function of Joint Health and Safety Committees;
- Ensure that all employees and students are aware of this SOP and are aware of their duties and responsibilities. This can be accomplished by taking the Safety Awareness and WHMIS or Safety Awareness and Introduction to WHMIS for Office Environments sessions which are offered by the Department of Environmental Health and Safety;
- Ensure that all supervisors and employees are aware of Queen's Violence and Harassment procedures. <http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy> ; and
- Ensure that this SOP is implemented in all facilities under his/her authority.

### 4.2 Responsibilities of Supervisors

Supervisors must:



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- Be knowledgeable about the hazards in their area;
- Be knowledgeable about the Queen's Violence and Harassment procedures.  
<http://www.queensu.ca/humanresources/policies/workplace-issues/interim-workplace-harassment-discrimination-policy> ;
- Be knowledgeable about the Refuse to Work process and;
- Ensure that all staff and students are aware of all hazards present and have been informed of their rights and duties under the Occupational Health and Safety Act.

#### 4.3 Responsibilities of Faculty, Staff and Students (who are paid)

Faculty, Staff and Students who are paid must:

- Work in a manner that will not jeopardize the health and safety of themselves or other employees;
- Report known hazards to their supervisors;
- If initiating a work refusal, report the reason to their supervisor and remain in a safe place.

## 5 Refusal to Work Process

An employee may refuse to work where he or she has reason to believe that:

- Any equipment, machine or device the worker is to use or operate is likely to endanger him/herself or another worker;
- The physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;
- Workplace violence is likely to endanger himself or herself; or
- Any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention to this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

The employee shall promptly report the circumstances of the work refusal to his/her supervisor.

The supervisor shall immediately notify the Department of Environmental Health and Safety to initiate an investigation in the presence of the employee, a member of the Department of the Environmental Health and Safety and:

- A worker member of the Joint Health and Safety Committee or;
- A worker who because of knowledge, experience and training is selected by the workers to represent them.



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The supervisor must have the employee complete Section A of the Work Refusal Report found at the end of this SOP. The supervisor must then complete Section B. The worker member of the Joint Health and Safety Committee must then complete Section C.

The employee shall remain in a safe place near his/her work station until the investigation is completed.

Following the investigation, if the employee still has reason to believe that he/she or another employee is still endangered they may continue to refuse to work.

If the employee continues to refuse to work, the Department of Environmental Health and Safety shall contact the Ministry to Labour.

An inspector from the Ministry of Labour shall investigate the refusal to work in consultation with the employee, a member of the Department of Environmental Health and Safety and:

- A worker member of the Joint Health and Safety Committee or;
- A worker who because of knowledge, experience and training is selected by the workers to represent them.

After the investigation the inspector shall decide whether the machine, device, the potential for violence or workplace is likely to endanger the employee or another person.

The inspector shall give his/her decision in writing as soon as practical.

Pending the investigation and inspector's decision, the employee shall remain at a safe place near his/her work station during the employee's normal working hours unless the department assigns reasonable alternative work.

Pending the investigation and inspector's decision an employee who has instigated a refusal to work may not be:

- Dismissed or threatened with dismissal;
- Disciplined, suspended or threatened with dismissal or suspension;
- Penalized in any way; or
- Intimidated or coerced.

#### Revision History

1.0 March 9, 2009 – Initial release

2.0 March 15, 2011 – General revision of text and addition of violence provisions



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**Work Refusal Report**

<b>Section A. Employee to Complete this Section</b>		
Name of Employee:	Date:	Time:
Name of Supervisor:		
Location of Work Refusal:		
Task Assigned:		
Employee Comments:		
Employee Signature:		
<b>Section B. Supervisor to Complete this Section</b>		
Date of Investigation:	Time of Investigation:	
Supervisor's Observations after Investigation:		
Action Recommended:		
Supervisor's Signature:		
<b>Section C. JH&amp;SC Worker Member to Complete this Section</b>		
JH&SC Worker Member's Name:		
JH&SC Worker Member's Observations after Investigation:		
Employee and JH&SC Worker Member satisfied that concerns have been resolved: Yes ( ) No ( )		
Action Recommended:		
JH&SC Worker Member Signature:		
<b>Department of Environmental Health and Safety to Complete this Section</b>		
MOL Required: Yes ( ) No ( )		
Date Called:	Time Called:	
MOL Investigator:	Orders Written: Yes ( )	No ( ) Ref #
Notice of Compliance Submitted (Date):		