



**Task Title: The Right to Refuse Work**

OALCF Cover Sheet – Learner Copy

**Learner Name:** \_\_\_\_\_

**Date Started:** \_\_\_\_\_

**Date Completed:** \_\_\_\_\_

**Successful Completion:** Yes  No

**Goal Path:** Employment  Apprenticeship

Secondary School  Post Secondary  Independence

**Task Description:**

Read an article on refusing unsafe work and answer the questions.

**Main Competency/Task Group/Level Indicator:**

- Find and Use Information/Read continuous text/A1.2
- Communicate Ideas and Information/Write continuous text/B2.2

**Materials Required:**

- Pen/pencil and paper and/or digital device

## Learner Information

Refusing unsafe work is a right given to workers in Canada. Learning about the steps and process of refusing unsafe work is important. Review part of the government of Ontario's article on refusing unsafe work.



### The right to refuse work

The Occupational Health and Safety Act (OHSA) gives a worker the right to refuse work that he or she believes is unsafe to himself/ herself or another worker. A worker who believes that he or she is endangered by workplace violence may also refuse work.

The Act sets out a specific procedure that must be followed in any work refusal. It is important that workers, employers, supervisors, members of joint health and safety committees (JHSCs) and health and safety representatives understand the procedure for a lawful work refusal.

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### Procedure for a work refusal

#### First stage

1. Worker considers work unsafe.
2. Worker reports refusal to his/her supervisor or employer. Worker may also wish to advise the worker safety representative and/or management representative. Worker stays in safe place.
3. Employer or supervisor investigates in the presence of the worker and the worker safety representative.
4. Possible outcomes
  - a. **Issue resolved.** 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, worker continues to refuse and remains in safe place. Worker or employer or someone representing worker or employer calls the Ministry of Labour, Immigration, Training and Skills Development (MLITSD).

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2. MLITSD Inspector investigates in company of worker, safety representative and supervisor or management representative
3. Inspector gives decision to worker, management representative/supervisor and safety representative in writing.
4. Changes are made if required or ordered. Worker returns to work.

While waiting for the MLITSD investigation:

- The refusing worker may be offered other work if it doesn't conflict with a collective agreement
- 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 not trade union, by the workers to represent them.

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## Work Sheet

**Task 1: Describe the Occupational Health and Safety Act (OHSA).**

Answer:

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**Task 2: How many stages are there to refuse unsafe work?**

Answer:

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**Task 3: List 2 actions that a worker takes during the first stage of refusing unsafe work.**

Answer:

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**Task 4: What are the 2 possible outcomes of the first stage of refusing unsafe work?**

Answer:

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**Task 5: In your own words, describe MLITSD's role in the second stage of reporting unsafe work.**

Answer:

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**Task 6: Describe what happens to the worker who refused unsafe work, while the investigation is pending.**

Answer:

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