



## Unsafe Work and Work Refusals

**Workers have three rights under the Occupational Health and Safety Act.**

- the right to know about hazards in the workplace
- the right to participate in the process of identifying and resolving workplace health and safety concerns
- the right to refuse unsafe work

It is the duty of every worker to **report** hazardous incidents, **recognize** unsafe situations, and **refuse** unsafe work that is dangerous or may jeopardize a worker's health or safety.

There are to be **no reprisals** on a worker, from an employer, who engages in the right to refuse unsafe work.

The decision to refuse unsafe work and engage in the work refusal process is an individual decision, but the Local will support workers throughout the process. Connect with your site Health and Safety Representative in your school and contact the Local office for guidance.

### ETFO Local Contact Information

**Michael Thomas, First Vice-President**  
**519-474-3150 (Ext.232)**

**Sue Varley, Health and Safety**  
**ETFO Health and Safety Officer, Violence Resource Support**  
**519-474-3150 (Ext.224)**

**Ministry of Labour Contact**  
**1-877-202-0008**

# What does a work refusal “look like”?

## Stage 1

**Worker considers work unsafe**



**Worker reports unsafe work conditions or hazards to administrator, (Students must be supervised and not in imminent danger, and the worker stays at work in a safe place).**



**Administrator investigates the concern/hazard in the presence of the worker and the site health and safety representative.**



**Worker believes work is now safe. The issue is resolved, and the worker returns to their duties.**



**The worker has reason to believe that their work is still unsafe. The worker proceeds to Stage Two of the work refusal process.**

## Stage 2

**Worker believes the work continues to be unsafe and continues to refuse unsafe work.**



**Administrator informs the Ministry of Labour. A Ministry of Labour Inspector investigates the hazard/concern, consulting with the workers, health and safety representative, administrator, and management.**



**The inspector gives a decision in writing and may include orders to comply with timelines.**



**The required orders and changes are implemented, and the worker returns to work.**



## Unsafe Work

Dear Principal,

As pursuant to Section 43 of the Occupational Health and Safety Act, on this date

\_\_\_\_\_

I am refusing unsafe work. The reasons associated with my refusal are the following:

- Physical violence from student or threats/attempts of physical violence
- Lack of Notification of Risk
- Lack of Risk Reassessment after violent incident
- Safety Plan is ineffective or non-existent, or has not been updated after a violent incident
- No assistance is available when required, there is no response or support when summoning immediate assistance
- Unsure how to report violent incidents
- Lack of response when violent incident was reported
- Insufficient staff that supports safety plan, lack of trained staff to respond for restraint or containment
- Resources/training/staffing levels to ensure safety are inadequate
- Lack of de-escalation training
- Lack of debriefing with all staff involved in the incident after violent incident
- Inadequate PPE or lack of PPE
- Psychosocial impact of violent incidences

The students in my care are safe, supervised, and not in immediate jeopardy.

As such, I expect an immediate investigation into my work refusal. Please indicate how I will be accommodated at work during the investigation. Following Board procedure, please investigate with my health and safety representative present. If this cannot be resolved at the First Stage, it is expected that the Ministry of Labour will be notified for an investigation.

At no point in this investigation shall I receive reprisals for advocating for my rights under the OHSA.

Sincerely, \_\_\_\_\_

# Definition of Workplace Violence

**“Workplace Violence” means,**

- a. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;**
- b. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;**
- c. a statement or behavior that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace that could cause physical injury to the worker.**

## Section 43 - OHSА

**43 (3) A worker may refuse to work or do particular work where he or she has reason to believe that...**

- (b.1) workplace violence is likely to endanger himself or herself; or**

## Section on Reprisals

**50 (1) No employer or person acting on behalf of an employer shall,**

- a) Dismiss or threaten to dismiss a worker;**
- b) Discipline or suspend or threaten to discipline or suspend a worker;**
- c) Impose any penalty upon a worker; or**
- d) Intimidate or coerce a worker, because the worker has acted in compliance with this Act or the regulations**