

TITLE CODE OF PRACTICE - REFUSAL TO WORK FOR HEALTH & SAFETY REASONS		DOCUMENT NO. Section 4	DOCUMENT TYPE Health & Safety	PAGE 1 of 4
		ISSUE DATE (yyyy/mm/dd) 1997/09/22	REVISION DATE (yyyy/mm/dd) 2012/06/21	REV.NO. 3
AREA	ISSUED BY DEPARTMENT USSC Lake Erie Works	ISSUED BY K. Fennel, T. Jones		ELEMENT
SUB AREA	MODULE/GROUP	AUTHORIZED BY Joint Health & Safety Committees		LEVEL

SECTION 4

REFUSAL TO WORK FOR HEALTH & SAFETY REASONS

- Act 43 (3)** A worker may refuse to work or do particular work where he or she has reason to believe that:
- (a) Any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself/herself or another worker;
 - (b) 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/herself; or
 - (c) 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 of this Act or the regulations and such contravention is likely to endanger himself/herself or another worker.

- STEP 1** Worker has reason to believe the work and/or physical conditions of the workplace endangers himself/herself or another worker.
- STEP 2** Worker promptly reports circumstances to his/her Shift Manager/Supervisor.
- STEP 3** The Shift Manager/Supervisor must establish that the situation is a “work refusal” and not a health or safety concern. If you are unsure, ask the worker if he or she is refusing “under the Act”. This is to be done in a non-intimidating fashion (re: Section 50 of the OH&S Act).
- STEP 4** Once the Shift Manager/Supervisor has confirmed that the worker is “refusing to work”; a Health & Safety Representative must be obtained immediately.
- STEP 5 (A)** Worker, Shift Manager/Supervisor and Health & Safety Representative investigate refusal.
- STEP 5 (B)** Until the investigation is completed, the worker shall remain in a safe place near his/her workstation.
- STEP 6 (A)** If an agreement/solution is obtained and implemented, worker returns to his job.

A work refusal is an individual's right and it is the refusee that must be satisfied with the resolution. If the Health & Safety Representative has an issue with the resolution, he or she should report this to the Shift Manager/Supervisor and/ or member of the Safety Department as a concern.

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STEP 6(B) If the refusee has reasonable grounds to believe that the work is still unsafe and is not satisfied with the resolution or if the concern is beyond the technical knowledge of the group, the Department Area Manager and a member of the Safety Department will be contacted. A union member of the appropriate Joint Health & Safety Committee will be contacted as well. If not available a chief health and safety representative and then a health and safety representative will be contacted. The group will jointly determine whether to meet the persons involved with the work refusal or make other arrangements in order to resolve the work refusal.

STEP 7 If there is still no resolve to the work refusal and it is determined that the “first stage” investigation has been completed the M.O.L. will be contacted by the Safety Department. Notifications of the arrival of the M.O.L. inspector will also be made by the Safety Department.

STEP 8 Once the Ministry of Labour (MOL) has been notified, the worker can remain in safe place or be assigned reasonable alternative work.

Once the MOL has been notified, another worker may be asked to perform the work being refused (if required). The supervisor must inform the worker being asked to perform the work of the circumstances of the refusal in the presence of a union Joint Health & Safety Committee member or their designated representative.

STEP 9 The inspector shall investigate the refusal to work in consultation with the employer or a person representing the employer, the worker and a union Joint Health & Safety Committee member or their designated representative.

STEP 10 Inspector renders a decision.

- **NOT LIKELY TO ENDANGER**
 - Worker returns to work
- **LIKELY TO ENDANGER**
 - Orders issued
 - Corrective actions implemented and completed
 - Worker returns to work

STEP 11 Shift Manager/Supervisor completes “Work Refusal Report” form and forwards copies to the Plant Manager, Safety Department and union JHSC Co-Chair via e-mail (scanned document) or fax. The form is posted on the USSC Safety & Industrial Hygiene intranet page under “USSC Safety Standard Practices”.

Under Section 61 of the OH&S Act, the worker, supervisor, employer or Health & Safety Committee Worker Representative may appeal the inspector’s decision.

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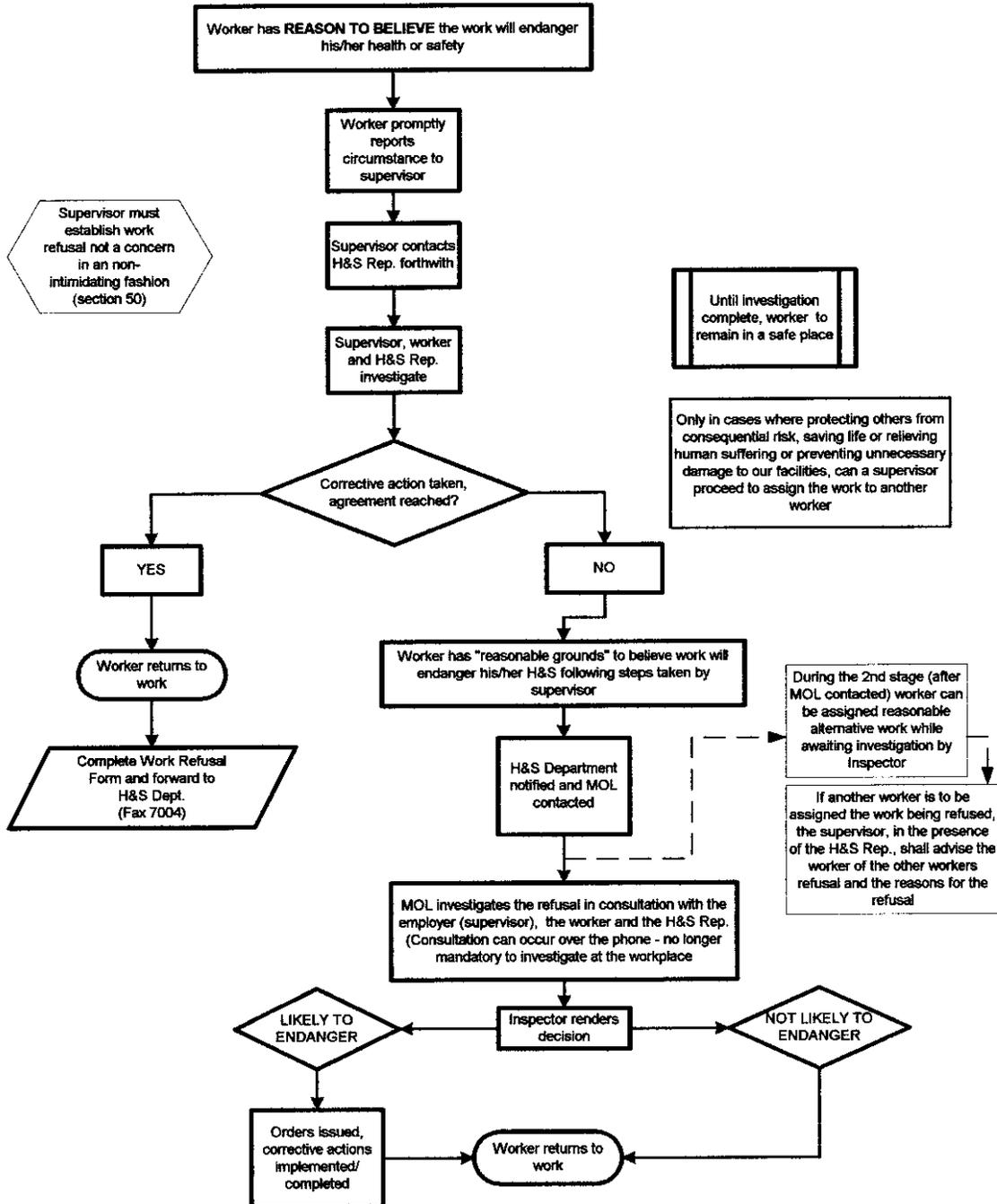
GENERAL GUIDELINES:

- Once the worker has refused to work, the matter must be dealt with as a refusal. There is no room for backtracking at this point by trying to deal with it as a concern. A Health & Safety Representative must be summoned immediately.
- Do not get hung up on the definition of reason to believe and reasonable grounds.
- All attempts should be made to solve the refusal at the first stage.
- **Before another worker is assigned to perform the work that has been refused, the MOL must be notified**, as outlined in step 7 and 8. However, there may be extraordinary circumstances such as protecting others from consequential risk, or saving life, or relieving human suffering, or preventing major damage to our facilities that may also put people at risk where there is insufficient time to contact the MOL first and other workers and supervisors may be asked to perform the work while the MOL is being contacted.
- A work refusal is an individual's right under the Act, even if the issue is resolved to the satisfaction of the parties involved, there is no restriction on another worker invoking the same refusal. The same procedure should again be followed if another work refusal occurs on the same issue.
- Keep detailed notes during the investigation. These are your personal notes and may help you recall particular points if further investigation occurs. Ensure that the Work Refusal Report form is utilized and signed by the appropriate parties.
- Being that the right to refuse is an individual right, a group of individuals refusing on the same issue must be treated individually.
- A work refusal should not be abused and/or misused. Abuse of this right could result in a violation under the Act.
- A Health & Safety Representative cannot represent him/her self during a work refusal. Another Representative must be summoned.

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WORK REFUSAL PROCESS



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