

'Check My Workplace Violence Work Refusal Knowledge' Checklists

"What Employers and Supervisors Need to Know About Workplace Violence Work Refusal"

- Understand your roles and responsibilities under the OHSA, including the requirement to take every precaution reasonable for the protection of a worker – this may require going beyond basic legislative compliance and may include implementing leading practices within your industry or similar workplaces
- Understand the requirements for OHSA Workplace Violence Prevention and your organization's requirements
- Understand the workplace violence risks in the areas under your authority
- Ensure supervisor competency requirements under the OHSA are met
- Understand the three rights of a worker
- Understand the right to refuse work and the work refusal process as outlined in the legislation as well as any other processes desired by the organization
- When a work refusal is announced, clarify it is a refusal to work that is related to health and safety, for example, due to workplace violence
- Focus on the work tasks or activity being refused not the worker or behaviours
- Contact, summon, and arrange the attendance if necessary, of a JHSC/HSR/Trade union or non-trade union worker representative (in unionized workplaces) to attend the work refusal and investigation
- Ensure the worker stays in a safe place during the investigation and pending any investigation as per the collective agreement offer the worker alternative or other suitable work
- Do not discipline or punish a worker for complying with the OHSA or exercising their work rights – understanding a worker's right to refuse without fear of reprisal
- Know how to conduct health and safety and work refusal investigations
- Investigate the work refusal to identify workplace violence root causes and solutions, and, where required, seek assistance
- As necessary, implement control measures and corrective actions in consultation with the JHSC/HSR and communicate changes to the worker, worker safety representative, and any others that may also be affected by the workplace violence hazard and new changes
- Document the work refusal and the investigations
- Understand that workers can continue to refuse work if they have 'reasonable grounds'
- Understand that the supervisor or employer, worker, JHSC/HSR representative or person representing the worker during a refusal (worker safety representative) may call the MLTSD if the worker continues to refuse unsafe work based on 'reasonable grounds'
- Cooperate with the MLTSD Investigation
- Where the MLTSD investigation results in orders or other directions – comply and implement the necessary corrections
- Ensure any orders given by the MLTSD, if any, are posted in the workplace where other workers can see them
- Complete any compliance paperwork required by the MLTSD by the required deadline
- Know that the workplace violence risk assessment may require updating, or a reassessment of risk maybe required, after a work refusal
- As leaders, promote and foster a positive safety culture that values worker safety

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“What the Joint Health and Safety Committee (JHSC), Health and Safety Representative (HSR) and/or Worker Safety Representative (Union/Non-Union) need to Know About Workplace Violence Work Refusal”

- Know and understand workers have three rights in the Occupational Health and Safety Act (OHSA) – the right to know, the right to participate, and the right to refuse unsafe work, including for reasons related to workplace violence
- Check your terms of reference to make sure that work refusal is included and recommend it be included if it is not; ensure content complies with the OHSA
- Attend work refusal training when offered or suggest the JHSC or HSR or other worker representative receive work refusal training
- Know the worker refusal processes, stages, and limitations
- Be prepared to respond to a work refusal and act as a worker safety representative
- Attend and participate in work refusal investigations with supervisor, employer and Ministry of Labour, Training and Skills Development (MLTSD) inspectors when required
- Know that another worker cannot be offered to do the work that has been refused unless the employer or supervisor advises them that a worker is refusing the work and provides the reasons why – this must be conducted in the presence of a JHSC worker member or HSR or another worker safety representative (selected by the union or selected by workers if there is no union)
- Cooperate with the MLTSD if they are investigating
- Review the work refusal reports and documentation to ensure control measures and corrective actions, if any, are implemented
- Determine if the employer has implemented controls elsewhere in the organization where similar hazards or risks exist
- Encourage documentation of the work refusal and communicate the findings to the JHSC, if any
- Know that the JHSC/HSR can make recommendations for the safety of workers to the employer
- Union Representatives are encouraged to speak to their union about resources for work refusal
- Support the internal responsibility system and encourage workers to report hazards promptly to their employer or supervisor
- Promote a positive safety culture that values worker safety

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"What Workers Need to Know About Workplace Violence Work Refusal"

- Under the Occupational Health and Safety Act (OHSA), workers have responsibilities to report workplace hazards including workplace violence hazards promptly to the employer or supervisor and workers have the responsibility to follow safe rules
- Employers must provide information, instruction, supervision, training, and education to workers – ask your employer about workplace violence prevention and work refusal training
- Understand that the employer and supervisor must take every precaution reasonable to protect a worker
- Workers have three rights, including the right to refuse unsafe work, including for reasons where workplace violence is likely to endanger himself or herself; however, there are limitations for persons working in the operation of certain healthcare facilities, such as:
 - hospitals, long-term care, psychiatric facilities, mental health centres, or rehabilitation facilities
 - residential group home or one providing care to persons with behavioural or emotional problems or with physical or mental disabilities
 - laboratory operated by the Crown or licensed under the Laboratory and Specimen Collection Centre Licensing Act
 - a laundry, food service, power plant or technical services or facility used in the first three bullets above
- Attend work refusal training and understand the steps to a work refusal
- Workers can also speak to their JHSC worker member or HSR or Trade Union to learn more about workplace violence and work refusals
- Workers can refuse work if they have reason to 'believe' the work is unsafe in certain conditions such as workplace violence
- Workers must report the refusal to their supervisor or the employer
- Workers do not have to say the exact words "refusal" for it to be considered a work refusal
- The supervisor or employer must investigate the refusal
- Workers refusing work are entitled to have a JHSC/HSR or other worker safety representative (selected by the union or selected by workers if there is no union) present to represent them during a work refusal, e.g., Trade Union
- Know that if an initial work refusal is not resolved and the worker continues to refuse work on reasonable grounds that any one of these parties may call the MLTSD to have an inspector investigate the refusal and determine whether the work is unsafe
- Workers refusing work must remain in a safe place and available for the investigation unless the employer assigns reasonable alternative work during the normal working hours or assigns other directions to the work
- The employer or supervisor (or anyone operating on behalf of the employer) cannot discipline or punish a worker for refusing unsafe work by law - a worker has a right to refuse work without fear of reprisal
- If the work refusal goes to Stage 2, the refused work can be offered by the supervisor or employer to another worker if the other worker is advised of the original worker's refusal and provided with reasons why the original worker is refusing, but only in the presence of the JHSC worker member or HSR or other person representing the worker e.g., worker safety representative selected by the union or selected by workers if there is no union
- Workers refusing work are entitled to be paid during the work refusal at the regular or premium rate as may be proper
- Promote a positive safety culture
- If you have additional questions, call your health and safety representative or worker JHSC member or union representative for help