

## PROCEDURE FOR REFUSING WORK THAT ENDANGERS HEALTH AND SAFETY PART V – Section 43 Occupational Health and Safety Act (Ontario)

## Limited right to refuse unsafe work

Workers<sup>1</sup> who work for or are members of a police force/ employed as a fire-firefighter/ employed in the operation of a corrections facility or detention center/ or employed in the operation or technical service to a hospital, longterm care residential or group home, or facilities supporting clients with a developmental, physical or mental disability can refuse unsafe work, except in circumstances that: - are inherent<sup>2</sup> in the worker's work; or - are a normal condition<sup>3</sup> of employment; or endanger - the life, health or safety of another person 1 See sections 43 (1) (2) for more detail and a list of workers with a limited 2 "Inherent" includes the natural or necessary parts of the job. High risk means a higher responsibility to ensure worker safety. - 3 Normal conditions of work include established safe practices and prevailing work conditions in the industry.

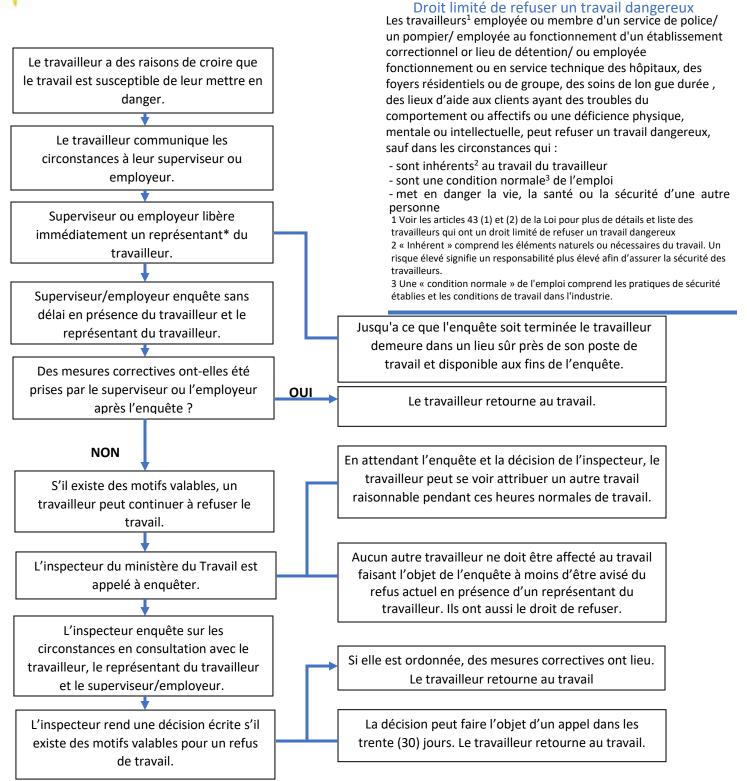
Worker has reason to believe that the work endangers health and safety Worker reports the circumstances to their supervisor or employer Supervisor/Employer immediately notifies a worker representative \* Supervisor/employer investigates forthwith in the presence of the Until the investigation is completed, worker and worker representative worker shall remain in a safe place near their workstation and available for the investigation Was corrective action taken by YES supervisor/employer after Worker returns to work investigation? NO Pending the investigation and decision If reasonable grounds exist, a worker by the inspector, worker can be can continue to refuse work assigned reasonable alternative work Ministry of Labour inspector called to No other worker shall be assigned investigate the work under investigation unless advised of the current refusal in the presence of a worker representative. Inspector investigates circumstances They also have the right to refuse in consultation with the worker, worker representative and If ordered, corrective action takes supervisor/employer place. Worker returns to work. Inspector renders a written decision if Worker returns to work. Decision can reasonable grounds exist for a work be appealed within 30 days refusal

\*Worker representative = Either a worker member of the joint health and safety committee or health and safety representative, if any, or union representative with health and safety knowledge.

Please note that the information provided on this sheet does not constitute legal advice. If you have any questions about health and safety law, speak to your Local Executive, CUPE National Servicing representative, or CUPE National Health and Safety Specialist.



## MARCHE À SUIVRE POUR REFUSER DE TRAVILLER EN CAS DE DANGER POUR LA SANTÉ ET LA SÉCURITÉ PARTIE V - Loi sur la santé et la sécurité au travail de l'article 43 (Ontario)



<sup>\*</sup>Représentant des travailleurs - soit un membre du comité mixte de la santé et de la sécurité qui représente les travailleurs ou un représentant en matière de santé et de sécurité, le cas échéant, ou un délégué syndical ayant des connaissances en matière de santé et de sécurité.

Veuillez noter que les informations fournies sur cette fiche ne constituent pas des conseils juridiques. Si vous avez des questions au sujet de la Loi sur la santé et la sécurité, adressez-vous à votre responsable de la section locale, au représentant(e) national(e) du SCFP ou au spécialiste national de la santé et de la sécurité du SCFP.