



# Safety Talk



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## What Does Work Refusal Mean?

Any worker who thinks that a piece of equipment or an activity is unsafe to the worker or another worker, may refuse to use that equipment or do that activity. You do not have to make a formal or official announcement. Simply stating that something is unsafe is enough to start the work refusal process. *A work refusal does not necessarily mean that the Ministry of Labour, Immigration, Training, and Skills Development (MLITSD) (formerly Ministry of Labour (MOL)) is involved in the process.* Most work refusals are resolved with the workplace parties of the workplace at the “first stage” of a work refusal. Only when there is no resolution at the first stage does the MLITSD Inspector get involved (second stage).



### First stage

1. Worker considers work unsafe.
2. Worker reports refusal to their 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. Either:
  - 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, employer, or someone representing worker or employer calls MLITSD.
2. MLITSD Inspector investigates in company of worker, safety representative, and supervisor or management representative.
3. MLITSD 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.

Pending 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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