

## **The Right to Refuse Unsafe Work**

You are advised that you may contact your Executive Officer and Health and Safety inspector assigned to your worksite before you choose to exercise your right to refuse unsafe work.

The *Occupational Health and Safety Act* allows workers to legally refuse unsafe work. For Teachers, the process for the exercise of that right is unique, as described below, and is available for printing in original on the Provincial OSSTF website at [Right to Refuse Work – For Teacher Members Only](#).

For TTBU members, the Right to Refuse Unsafe Work would involve the TTBU Health and Safety Inspector assigned to your worksite, or a designated Executive member who is a certified representative(s) to participate in any investigation involving their bargaining unit membership. Health and Safety Inspector contact information is available at [the Health and Safety Inspectors page](#) on our website. The Ministry of Labour will investigate refusals with reference to individual worksites or work stations.

### **Read the following before calling your Executive Officer:**

The *Occupational Health and Safety Act, 1990*, affirmed three important rights for workers:

1. The right to know about all hazards in the workplace;
2. The right to participate in training and consideration of issues; and
3. The right to refuse unsafe work.

### **How serious is this issue?**

Section 43 of the Act provides that:

*You may refuse to work where you have “reason to believe” that any equipment, machine, device, thing, or physical condition of the workplace is likely to endanger yourself or another worker.*

You do not have to prove your work is unsafe – you only must have “reason to believe” it is unsafe in order to initiate the work refusal process.

- However, if you are a teacher, Regulation 857 requires that you must ensure the safety of students in your care first.
- Any unsafe conditions of work should be corrected immediately.
- No work should endanger anyone’s health or safety.
- If your concern cannot be corrected immediately using existing resources, you should exercise your legal right to refuse unsafe work.
- Often threatening to refuse unsafe work is sufficient to get the problem corrected.

## Steps to follow in a work refusal situation

### First Stage

1. Ensure the safety of your students first.
2. Report the circumstances to your “supervisor” (Principal; not a Department Head, colleague or agency manager) and state the following:  
*“I have already ensured the safety of my students. I have reason to believe that by performing the work which I am required to do, I am likely to endanger a fellow worker or myself. Therefore, I am refusing to do the particular work in question, as permitted by the Occupational Health and Safety Act, for the following reasons ...Please investigate my concerns in the presence of my OSSTF/FEESO member on the Joint Health and Safety Committee”.*
3. Remain in a safe place. The supervisor (Principal), in the presence of your OSSTF/FEESO Health and Safety Officer, will investigate “forthwith” (i.e. without delay).
4. Return to work, upon completion of the investigation, if you agree that it is now safe.

### Second Stage

After following the steps in the First Stage, if you do not agree that it is safe to resume work, proceed with the following steps:

At this stage, you must have reasonable grounds to believe the work is dangerous. (Reasonable grounds means that you have some objective information that causes you to believe the work is still unsafe).

1. Remain in a safe place or accept reasonable alternative work.
2. Telephone the Inspector from the local Ministry of Labour office. (Either you, the principal or your OSSTF/FEESO Health and Safety Officer can do this). Any other worker must be informed of your work refusal, and the reasons for it, in the presence of your OSSTF/FEESO Health and Safety Officer (or their worker representative on the Joint Health and Safety Committee) before they can be given and accept the work under dispute. The Ministry of Labour Inspector will inspect the situation in the presence of your OSSTF/FEESO Health and Safety officer and your presence, if you wish. The Inspector will make a report in writing.
3. You must return to work, if the Inspector deems it safe.
4. Appeal of the Inspector’s decision can be made by any of the parties involved.