

**ACCORDING
TO THE LAW,
YOU HAVE THE
RIGHT TO
REFUSE
UNSAFE
WORK.**

HOW THE RIGHT TO REFUSE WORKS

Under Section 43 of the *Occupational Health and Safety Act*, Ontario, you have the right to refuse unsafe, unhealthy work. If you have reason to believe the work is likely to endanger you or someone else, this is what you do:

EMPLOYEE Reports the problem to a supervisor, remains in a safe place. Employees cannot, under the law, be disciplined for refusing unsafe work under Section 50 (1).

Teachers Note:

The *Education Act* requires that you **MUST** ensure the safety of students in your care **FIRST**.

SUPERVISOR Investigates in the presence of employee and the employee's representative, (Certified Representative, Safety Representative Committeeperson).

EMPLOYEE If the worker still feels there are “reasonable grounds” to refuse, then they, their representative or the employer can call a government inspector.

INSPECTOR An inspector shall investigate the refusal to unsafe work in consultation with the employer or a person representing the employer, the worker, and if there is such, the person mentioned in Section 43, clause (4)(a), (b) or (c).

EMPLOYEE Pending the inspector’s decision, the employee will remain in a safe place, unless assigned to reasonable alternative work. No other worker can be assigned pending the inspector’s decision unless advised of the refusal and reason for it in the presence of a Certified Representative or Safety Representative Committeeperson.

APPEAL Section 61 allows 30 days to appeal the inspector’s decision to the Board—simply phone the Ontario Labour Relations Board.

**MOURN
FOR THE
DEAD**

**FIGHT
FOR THE
LIVING**

Ontario Secondary School Teachers' Federation

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