Procedure for Right to Refuse
Unusually Dangerous Work or Learning Activities
(Section 23 of the Occupational Health & Safety Act, 1993)

Start
Employee/students has reasonable grounds to believe job/learning activity is unusually dangerous

- The refusing employee/student informs the supervisor that the job or learning activity is being refused for health and safety reasons.
- The supervisor and employee/student attempt to resolve the concern. The supervisor may reassign the employee/student during the investigation.
- The employee/student does not leave the university without the permission of the supervisor.
- The supervisor may contact Health, Safety & Environment (HSE) to assist in the resolution of the refusal.
- HSE will interview the employee/student and supervisor.

Step 1: Involve the supervisor

- Return to work or learning activity
  - YES: Work/Learning activity resolved?
    - YES: Return to work or learning activity
    - NO: Work/Learning activity resolved?
      - YES: Return to work or learning activity
      - NO: Step 2: Involve the OHC Co-Chairs

- NO: Work/Learning activity resolved?
  - YES: Return to work or learning activity
  - NO: Step 3: Full OHC investigates

Step 2: Involve the OHC Co-Chairs

- Return to work or learning activity
  - YES: Work/Learning activity resolved?
    - YES: Return to work or learning activity
    - NO: Step 4: Involve the Ministry of Labour Relations and Workplace Safety

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  - YES: Return to work or learning activity
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Step 4: Involve the Ministry of Labour Relations and Workplace Safety

- Work/Learning activity resolved?
  - YES: Return to work or learning activity
  - NO: An occupational health officer investigates and provides a written ruling to the parties.
  - Anyone directly affected by the officer’s decision may appeal under Part VIII of the Act.

In partnership with HSE, the Occupational Health & Safety Committee (OHC) Co-chairs will interview the supervisor and employee/student.

The Co-chairs will make recommendations to the supervisor and employee/student.

HSE and the OHC convene an emergency committee meeting. The committee investigates the refusal.

If required, a quorum of the committee votes to decide if the disputed work/learning activity is unusually dangerous.

If applicable the committee sends its recommendations for corrective action to the supervisor and VP Admin or VP Academic as required. The VP Admin or VP Academic reports the University’s actions to the committee.