

Worker Right to Refuse – Workplace Violence

<i>What the law says</i>	<i>What should the employer do?</i>
<ul style="list-style-type: none"> • A worker can now refuse to work if he or she has reason to believe that he or she may be endangered by workplace violence. [OHS s. 43(3)(b.1)] • Work cannot be refused on the grounds of workplace harassment. 	<ul style="list-style-type: none"> ☑ Ensure that reporting procedures are in place to report violent incidents ☑ Ensure workers are aware of their “right to refuse” ☑ Management should investigate incidents and complaints and deal with them in a timely manner

Right to Refuse – Procedure

The steps in the procedure are the same as the existing worker’s right to refuse due to unsafe conditions.

The steps include:

1. Worker refusing to work and reporting situation to employer or supervisor
2. Employer or supervisor investigating with H&S Rep or JHSC member
3. Worker remaining in a safe place until situation is resolved

The employer with an effective violence policy and program, should have adequate procedures, equipment, training and communication strategies to deal with a violent or potentially violent incident. This may prevent further danger to workers, making a work refusal unnecessary.

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