

Work refusal tracking form



Worker representatives use this form to track and record a work refusal process when the worker has reason to believe work endangers their health and safety [43].

Certain workers have a limited right to refuse and can only refuse if a) the circumstance is inherent in their work or is a normal condition of their workplace or, b) they are not directly endangering the life, health or safety of another person [43(1)]. Such workers include firefighters, healthcare workers, correctional officers, paramedics and other similar services that involve working with the public [43(2)].

| Stage 1 | | |
|---------|-------------|----------------------------------|
| Date: | Time: | Location: |
| Worker: | Supervisor: | Attending Worker Representative: |

| | | |
|--|--|--|
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker has reason to believe work endangers health and safety [43(3)]. | Reason to believe work poses danger: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker promptly reports circumstances of the refusal to employer or supervisor [43(4)]. | Name of supervisor informed: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker remains available in a safe place as close as reasonably possible to their workstation [43(5)]. | Name of worker rep: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker rep or other qualified worker* is called to observe investigation [43(4)]. | Investigation findings: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Supervisor investigates immediately in presence of worker and worker rep [43(4)]. | Resolve (including control, if necessary): |
| | Worker returns to work? | |
| | Y | |
| | N Continue to stage 2 | |

* When referring to a worker rep in this process, this includes other qualified worker reps, as defined by 43(4).

Stage 2

| | | |
|--|--|---|
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker continues to refuse. | Reasonable grounds for continued refusal: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker, rep, supervisor or employer contacts MOL inspector to investigate [43(6)]. | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker remains in a safe place as close as reasonably possible to their workstation during investigation [43(10)]. | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Pending inspector's investigation and decision, worker remains available during their normal working hours [43(10)]. | If so, what alternate work or other directions were given: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Employer assigns employee reasonable alternate work or other directions, subject to collective agreement if applicable [43(10.1)]. | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Was a second worker approached to complete refused work? | Name of second worker: |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Worker rep is present when second worker told of refusal and reasons for it [43(11),(12)]. | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Inspector investigates refusal in consultation with employer, worker and worker rep [43(7)]. | |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Inspector decides if circumstance is likely to endanger worker or another person [43(8)]. | MOL inspection: MOL inspector name: Written orders attached?: <input type="checkbox"/> Y <input type="checkbox"/> N |
| <input type="checkbox"/> Y <input type="checkbox"/> N | Inspector provides written decision to supervisor, worker and rep [43(9)]. | |