Work Refusal Flow Chart

START → **Employee** has reason to believe work is likely to endanger themselves or others

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Employee promptly reports circumstances to immediate supervisor (or alternate)

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Supervisor investigates matter in the presence of the employee

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Work Refusal Resolved?

— **Yes** → Agreement and Resolution

— **No** → **Disagreement:** employee continues to refuse because they believe they have "reasonable grounds"

↓ (from Disagreement)

- Employee remains in a safe place unless assigned reasonable alternate work or given other directions pending investigation decision.
- Another employee may be assigned to perform work that the first employee has refused provided the supervisor informs them of the refusal and background and of the employee's right under the Act.

→ If another worker accepts to carry out the work and the work is completed, the matter will be considered resolved to the satisfaction of the worker who initiated the work refusal and the right to refuse is extinguished. No further action will be taken by the officer with respect to the work refusal.

→ **END**

↓ (from blue box)

JHSC

— **Yes** → The matter is referred to the JHSC for investigation.

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Work Refusal Resolved?

— **Yes** → Safe, return to work

— **No** → The matter is referred to a health and safety officer for investigation

JHSC — **No** → The matter is referred to a health and safety officer for investigation

↓

Officer investigates in the presence of the employee and JHSC (if applicable)

→ **Officer finds employee has reasonable grounds?**

— **No** → Advises employee to do act → **Employee appeals to CCO?**

— **No** → **END**

— **Yes** → Appeal to CCO for investigation

— **Yes** → Issues order to employer to correct unsafe situation.

→ **Employer appeals order to CCO?**

— **Yes** → Appeal to CCO for investigation

— **No** → **END**

Safe, return to work → **END**

- Appeals to CCO must be submitted within 14 days of officer's decision.
- Employee's right is protected until CCO renders a decision on an appeal on an officer's advisement.
- CCO can confirm, vary, suspend or revoke decision of an officer.
- Decision of the CCO can be appealed within 7 days to the Appeals Tribunal.
- Unless otherwise ordered by the Appeals Tribunal, employer or employee must comply with the decision of the CCO while the matter is being dealt with by the Appeals Tribunal.