

Education Workers in Ontario: Your Legal Right to Refuse Unsafe Work

**ONTARIO
EDUCATION
WORKERS
UNITED**

You **cannot** be disciplined for following this process (OHSA - Part VI)

You **will be paid** during the process (OHSA - Part V - (13))

You must have **reason to believe** that the physical condition of the workplace is likely to **endanger** you

1) Teachers must ensure student safety

Teachers must protect students from immediate threats (Reg 857). If students are already in a classroom, teachers have an obligation to make sure they are safe. However, if unsafe work is apparent ahead of time, teachers can report work refusal and the Principal would need to ensure student safety.

2) Report refusal to Principal/Supervisor and Health & Safety Officer

A worker must inform the Principal or Site Supervisor that they are refusing to work and which circumstances are unsafe. As soon as unsafe work is apparent, you can refuse work, even if it is ahead of school starting.

3) Stay in a safe place near your workplace

You must stay nearby in a safe space so your employer can contact you easily after the investigation (for example, in the workplace parking lot).

4. Wait for the initial investigation

The Principal or Supervisor must investigate the immediately with you, or a joint health and safety committee member who represents workers, or a Health and Safety Officer/Representative, or another worker who has been chosen by workers to represent them.

5) If you disagree with the decision, contact the Ministry of Labour

Ministry of Labour - Health and Safety Contact Centre 1 877 202 0008

Tell them that you have refused unsafe work. Your Principal or Supervisor and Health and Safety Officer have deemed it safe but you have "reasonable grounds" to believe work is still unsafe.

6) Wait for MoL Inspector investigation and decision

While waiting for inspector to investigate, another worker can do your work that was refused, but they must be told that the work was refused and why. The second worker has the right to refuse work as well.

7) Follow MoL Inspector's decision

You may not be paid and could face discipline if you continue to refuse work after this step.

The employer and/or the worker can appeal the inspector's decision within 30 days.

Legal information
provided by
Kastner Lam LLP