

BLD Homes Work Refusal Policy

Work Refusal Policy

Policy

In accordance with the Occupational Health and Safety Act, if a BLD Homes employee encounters unsafe working conditions, or where the required equipment, tools or machinery present a serious health and safety concern, the employee shall have the right to refuse any work that they believe to be unsafe. The Right to Refuse Unsafe Work Policy applies to BLD Homes, its employees, vendors, visitors, and clients who are on the premises or acting on behalf of BLD Homes at all times and without exception.

Definitions

Imminent Danger is defined in relation to any occupation as:

- A danger that is not normal for that occupation, or
- A danger under which a person engaged in that occupation would not normally carry out the person's work.

Procedure

Any BLD Homes employee can refuse to work if they have a reasonable belief that one or more of the following situations exist:

- Machinery, equipment, or tools required in the performance of job duties present a safety hazard and their use may cause an injury to the worker or those nearby.
- The working conditions are unsafe and may cause an injury to the worker or those nearby.
- The workplace conditions or machinery, equipment or tools represent a violation of the Ontario Occupational Health and Safety Act regulations and represent a physical danger to the health and safety of the worker or those nearby.
- The worker has a reasonable expectation that the work would place them in danger of physical violence.

Work Refusal Procedure

In the event of work being refused or stopped, the following actions are required of employers and employees, as per the guidelines stated by the Ontario Ministry of Labour.

Employees

1. Inform your supervisor or manager of the work refusal immediately and provide an explanation detailing the rationale behind the refusal.

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2. Stay nearby in a safe place until an investigation has been completed.
3. If you are unsatisfied with the results of the investigation, you may continue to refuse the work provided where you have reasonable grounds to base the continued refusal on.

Management/Supervisors

1. BLD Homes management or supervisors shall conduct an investigation into the situation immediately after learning of the refusal and shall work to find an effective, safe and mutually agreeable resolution to the issue in the presence of the worker and one of the following:
 - Health and safety representative
 - Another worker that has been chosen by his peers to represent the workers
2. If an employee is unsatisfied with the resolution and continues to refuse the work, BLD Homes management or supervisors must contact a Ministry of Labour (MOL) inspector and notify them of the situation, and request that they provide assistance.
3. While awaiting the arrival and findings of the MOL inspector, BLD Homes management or supervisors may assign other reasonable work during normal work hours for the employee or employees that have refused work.
4. The MOL inspector will conduct an investigation to determine if the work is either safe or unsafe, and whether it presents a danger to the health and safety of the employee. The findings of the investigation must be provided in writing, to the BLD Homes employee, BLD Homes management or supervisor, and the health and safety representative. If the work is determined to be safe, the employee shall be expected to return to work.

Continuing Work That Has Been Refused

1. If work continues to be refused (after BLD Homes management has investigated the situation and provided a resolution to the issue), BLD Homes management or supervisors may ask another worker to perform the refused work while waiting for the inspector to investigate and give a decision on the continued refusal.
2. Where a second worker is asked to perform work that has been refused, the second worker must be informed of the initial work refusal, and the reasons for the refusal. This information must be provided in the presence of a health and safety representative.
3. The second worker also has the right to refuse the work.

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Payment for Refused Work

- The Ontario Labour Relations Board (OLRB) has provided a ruling such that a refusal to work allows the worker entitlement to payment at their appropriate rate.
- A person acting as a worker representative during a work refusal is paid at either the regular or the premium rate, whichever is applicable.
- BLD Homes is not required to continue payment if the refused work has been inspected and ruled safe by a Ministry of Labour inspector.

Discipline for Refusal to Work

BLD Homes employees will not be disciplined for refusing to work if they have a reasonable belief that the work is unsafe or could endanger themselves or others. BLD Homes employees are required to work in accordance with the regulations set forth by the Ontario Health and Safety Act and have the right to seek their enforcement. BLD Homes shall not penalize, dismiss, discipline, suspend or threaten to do any of these things to a worker who has obeyed the law, and regulations of the OHSA. If a work refusal was made in bad faith, or if the worker continues to refuse the work after the Ministry of Labour inspector finds that the work is unlikely to endanger the worker, BLD Homes may elect to utilize disciplinary action(s) up to and including termination of employment with cause.

Acknowledgment and Agreement

I, _____, acknowledge that I have read and understand the Work Refusal Policy of BLD Homes. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate the rules set forth by this policy, I may face disciplinary action up to and including termination of employment.

Signature: _____

Date: _____

Witness: _____