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1. Introduction

The Standard Operating Procedure (SOP) covering a refusal to work was developed by the Department of Environmental Health and Safety in accordance with the University’s Policy Statement on Health and Safety and to ensure compliance with the Occupational Health and Safety Act.

2. Scope

This SOP applies to all university departments, units and/or workplaces on property that is owned, controlled, leased, used, or occupied by Queen’s University employees for the purposes of conducting work. The SOP does not apply to home offices or similar locations that have been approved under a remote work arrangement.

3. Applicable Legislation

Occupational Health and Safety Act (R.S.O. 1990)

4. Responsibilities

4.1 Responsibilities of Directors, Department and Unit Heads

- Ensure that all supervisors are familiar with this SOP and their duties and responsibilities as a supervisor. This can be accomplished by having them attend the Supervisor Health and Safety Training session offered by the Department of Environmental Health and Safety.
- Ensure that all supervisors are aware of and understand the function of [Joint Health and Safety Committees](#);
- Ensure that all employees and students are aware of this SOP and are aware of their duties and responsibilities. This can be accomplished by having them complete the Health and Safety Awareness and WHMIS or the Safety Awareness and Introduction to WHMIS for Office Environments sessions which are offered by the Department of Environmental Health and Safety.
- Ensure that all supervisors and employees are aware of the [Workplace Violence policy, procedures and program](#) and the [Harassment and Discriminations Prevention and Response policy and procedures](#).
- Ensure that this SOP is implemented in all facilities under their authority.



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4.2 Responsibilities of Supervisors

- Be knowledgeable about the hazards in their area.
- Be knowledgeable about the [Workplace Violence policy, procedures and program](#) and the [Harassment and Discriminations Prevention and Response policy and procedures](#);
- Be knowledgeable about the Refuse to Work process outlined in this SOP.
- Ensure that all employees are aware of all hazards present and have been informed of their rights and duties under the Occupational Health and Safety Act.

4.3 Responsibilities of Faculty, Staff and Student Employee

- Work in a manner that will not jeopardize the health and safety of themselves or other employees.
- Report known hazards to their supervisors.
- If initiating a work refusal, report the reason to their supervisor and remain in a safe place.

5 Refusal to Work Process

An employee may refuse to work where they have reason to believe that:

- Any equipment, machine, or device the employee is to use or operate is likely to endanger themselves or another employee.
- The physical condition of the workplace or the part thereof in which they work or is to work is likely to endanger themselves.
- Workplace violence is likely to endanger the employee; or
- Any equipment, machine, device, or thing they are to use or operate or the physical condition of the workplace or the part thereof in which they work or is to work is in contravention to of the OHSA or the regulations and such contravention is likely to endanger the employee or another employee.

The employee shall promptly report the circumstances of the work refusal to their supervisor.

The supervisor shall immediately notify the Department of Environmental Health and Safety to initiate an investigation in the presence of the employee, a member of the Department of the Environmental Health and Safety and:

- An employee member of the Joint Health and Safety Committee or.
- An employee who because of knowledge, experience and training is selected by the employee to represent them.



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The supervisor must have the employee complete Section A of the Work Refusal Report found at the end of this SOP. The supervisor must then complete Section B. The employee member of the Joint Health and Safety Committee must then complete Section C.

The employee shall remain in a safe place near their workstation until the investigation is completed.

Following the investigation, if the employee still has reason to believe that they or another employee is still endangered they may continue to refuse to work.

If the employee continues to refuse to work, the Department of Environmental Health and Safety shall contact the Ministry of Labour, Immigration, Training and Skills Development (MLITSD).

An inspector from the MLITSD shall investigate the refusal to work in consultation with the employee, a member of the Department of Environmental Health and Safety and:

- An employee member of the Joint Health and Safety Committee or.
- An employee who, because of knowledge, experience and training is selected by the employees to represent them.

After the investigation the inspector shall decide whether the machine, device, the potential for violence or workplace is likely to endanger the employee or another person.

The inspector shall give their decision in writing as soon as practical.

Pending the investigation and inspector's decision, the employee shall remain in a safe place near their workstation during the employee's normal working hours unless the department assigns reasonable alternative work.

Pending the investigation and inspector's decision an employee who has instigated a refusal to work may not be:

- Dismissed or threatened with dismissal.
- Disciplined, suspended, or threatened with dismissal or suspension.
- Penalized in any way; or
- Intimidated or coerced.



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Revision History

- 1.0 March 2009 – Initial release
- 2.0 March 2011 – General revision of text and addition of violence provisions
- 3.0 May 2024 – General revision of text and updating the information related to workplace violence and harassment and discrimination.



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Work Refusal Report

Section A. Employee to Complete this Section		
Name of Employee:	Date:	Time:
Name of Supervisor:		
Location of Work Refusal:		
Task Assigned:		
Employee Comments:		
Employee Signature:		
Section B. Supervisor to Complete this Section		
Date of Investigation:	Time of Investigation:	
Supervisor's Observations after Investigation:		
Action Recommended:		
Supervisor's Signature:		
Section C. JH&SC Worker Member to Complete this Section		
JH&SC Worker Member's Name:		
JH&SC Worker Member's Observations after Investigation:		
Employee and JH&SC Worker Member satisfied that concerns have been resolved: Yes () No ()		
Action Recommended:		
JH&SC Worker Member Signature:		
Department of Environmental Health and Safety to Complete this Section		
MLITSD Required: Yes () No ()		
Date Called:	Time Called:	
MLITSD Investigator:	Orders Written: Yes ()	No () Ref #
Notice of Compliance Submitted (Date):		

