

# UNIVERSITY OF TOLEDO

SUBJECT: RIGHT OF REFUSAL TO WORK

Procedure No: S-08-033

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## PROCEDURE STATEMENT

The University of Toledo shall have procedures in place to address safety and health concerns that employees may have. These procedures shall be in compliance with the mandates of the Ohio Public Employment Risk Reduction Program (PERRP).

## PURPOSE OF PROCEDURE

To provide a place of employment free from recognized safety and health hazards.

## PROCEDURE

It is the responsibility of the University of Toledo to provide a work environment that is as free as reasonably possible and foreseeable from recognized safety and health hazards.

It is the responsibility of all University of Toledo employees to comply with all safety and health standards, rules and regulations.

- A. Any University of Toledo employee acting in good faith may refuse to work under conditions reasonably believed to present an imminent danger of death or serious physical harm, provided that the condition is not such as would normally exist or reasonably might be expected to occur in the normal and regular duties of the public employee.
  1. Campus Police officers are excluded from the provisions of this policy.
  2. The condition that the employee believes presents an imminent danger of death or serious physical harm must be new, not longstanding.
  3. Prior to a refusal to work, the employee will notify his/her immediate supervisor of the imminent danger that exists. Employees should initially attempt to have unsafe or unhealthful conditions corrected through internal University of Toledo methods/procedures.
  4. The supervisor will attempt to correct the imminent danger or unsafe condition.
  5. If the immediate supervisor cannot or will not correct the imminent danger or unsafe condition, he/she will then contact the Safety & Health Department at X 5069 on the Health Science Campus; x3600 on Main Campus.
  6. The Safety & Health Department staff will work with the employee and the employee's supervisor to attempt to correct the imminent danger or unsafe condition.
- B. If the employer declines to correct the condition or disputes the condition, the employee must then attempt to contact the Chief of the Division of Occupational Safety and Health, and/or a representative of the Division knowledgeable of Risk Reduction Standards and workplace hazards. The telephone numbers to the Ohio Division of Occupational Safety and Health are as follows: (800)-671-6858 or (614)-644-2246.
  1. Complaints made prior to a refusal to work must be put in writing, and sent to the Department of Industrial Relations by letter, fax, or an Employee Complaint Form (available from the Safety & Health Department).
  2. After a complaint of an imminent danger or unsafe condition is received by the Chief of the Division of Occupational Safety and Health, an inspector from the Division will come to the University of Toledo to conduct an on-site inspection of the area in question.
  3. The inspector shall have the right to question privately a representative number of employees and management personnel concerning safety and health conditions in the workplace.

4. Following a complaint-generated inspection by the Department of Industrial Relations, notice of any violations issued to the University of Toledo will be prominently posted at or near the location where the hazard was found, as required under PERRP stipulations.
- C. Employees who file complaints with the Division of Occupational Safety and Health will not be discriminated against in any manner for having filed such complaints.

Source: Safety & Health Committee

Effective Date: 1/1/95

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