

Failure to Cooperate Dooms Worker's Face Mask Work Refusal



An aircraft engineer sought a medical exemption from the company's mandatory 3-ply face mask policy and asked permission to wear a face shield instead. The company denied the request on the grounds of safety, and the engineer initiated a work refusal. The MOL investigator found the refusal invalid because wearing the mask didn't endanger him. The Ontario OHS tribunal ruled that the investigator was right, but for the wrong reason. Wearing a 3-ply mask **might**, in fact, have posed a safety hazard to the engineer; however, the engineer refused to provide the company the medical information it requested to verify this. It was this failure to cooperate, rather than the lack of danger, that made the work refusal invalid [*Pearce v De Havilland Aircraft of Canada Limited*, 2021 CanLII 62011 (ON LRB), July 8, 2021].