

Risk of Inmate Attack ≠ Valid Grounds for Corrections Manager to Refuse Work



A Correctional Manager hurt his knee after being attacked by an inmate during a meeting. Five days later, he initiated a work refusal claiming that the employer's refusal to let him carry OC (oleoresin of capsicum) spray violated PPE requirements and put him in danger. The MOL investigator upheld the refusal but the federal OHS Tribunal reversed his ruling. True, attack by a violent inmate is always a possibility in a correctional institute. But, the Tribunal continued, unlike prison guards, CMs aren't at *imminent* risk on a daily basis. The attack that happened 5 days earlier was an unusual occurrence and was highly unlikely to happen again on the day the CM initiated the refusal. And because work refusals are meant only for imminent danger, the CM didn't have valid grounds to refuse [[Correctional Service of Canada v. Aldred](#), 2019 OHSTC 11 (CanLII), May 13, 2019]