

Shop Teacher's Refusal to Work Due to Class Size Wasn't Justified



A shop teacher refused to work, claiming that the class size of 17 students put his health and safety in danger. A health and safety officer investigated the refusal and concluded that it wasn't warranted. The teacher appealed. But the Appeals Tribunal found that there wasn't sufficient evidence to overturn the officer's conclusion. The OHS laws don't have any specific limits on class sizes including shop classes. The collective agreement sets a limit of 29 students per class in general, while the school board recommends 18-22 students per shop class. In addition, union representatives, including JHSC representatives, believed that the teacher didn't have reasonable grounds for refusing to work. The Tribunal also noted that it was agreed that the teacher ultimately had the authority to manage the activities of the students to ensure his safety as well as the safety of the students [[20168017 \(Re\)](#), [2016] CanLII 57012 (NB WCAT), Aug. 31, 2016].