

Worker's Refusal Was Justified as Using Hands, Not Wands, Was a Danger



A worker for a rail company refused to work because he was required to use his hands to install metal tie plates under track suspended by a power jack rather than using the safety wands installed on the power jack for this purpose. He was afraid his hands or fingers would be crushed. A health and safety officer investigated the work refusal and sided with the worker. The rail company appealed. The OHS Tribunal ruled that operating the power jack without using the provided wands was a 'danger' under the OHS law. There had been several near misses in which workers almost injured their fingers adjusting the plates with their hands and one instance in which a worker's fingers were actually crushed. So the rail company's procedure wasn't 'equally as safe' as using the safety wands, said the Tribunal [*Sersa Total Track Ltd.*, [2015] OHSTC 12, June 30, 2015].