## RIGHT TO REFUSE DANGEROUS WORK

[Organization Name] understands all workers have a right to a safe and healthy working environment. We respect the right of employees to refuse dangerous work under Alberta Occupational Health and Safety (OHS).

DEFINITIONS

The following definition has been sources directly from Alberta Occupational Health and Safety (OHS):

A “dangerous condition” includes health and safety hazards that are not normal for the job, or normal hazards that are not properly controlled. For example:

* Unexpected or unusual circumstances where hazards have not been adequately assessed, or controlled - for example, collapse of integral infrastructure resulting in an unsafe physical environment for workers.
* A danger that would normally stop work, such as broken or damaged tools/equipment.
* A situation where the worker risks immediate harm that is not normal for the job.

POLICY

According to Alberta’s OHS, “a worker has a right to refuse work if they believe on reasonable grounds that there is a dangerous condition at the work site, or that the work is a danger to themselves or others”.

When an employee wishes to exercise their right to refuse dangerous work, they must follow the procedure set out in section 31 of the OHS Act.

There will be no negative consequence for employees who exercise their right to refuse in good faith and who adhere to the processes set out by law and in this policy.

An employee who exercises their right to refuse dangerous work will continue to collect wages and benefits as if they were at work until the end of the scheduled work period, or until work resumes, whichever comes first.

However, the worker may not leave work during the work refusal. [Organization Name] may assign the employee with alternate work to complete while the dangerous condition is being investigated.

WORK REFUSAL PROCESS

The following process has been sourced from the OHS and must be followed when an employee exercises their right to refuse dangerous work.

Refusal of Dangerous Work:

* The refusal process begins with the worker reporting the dangerous situation to their employer. This should be done immediately.
* [Organization Name] may ask another employee to complete the work that the other worker is refusing. In this case, the second worker will be informed of the refusal and why the organization believes the work is safe to perform. Our organization understands the second worker may also refuse the work if they also believe it to be dangerous.

Investigation by Employer:

* If a work refusal is started, [Organization Name] will investigate the situation right away
  + This will occur even in the presence of the employee or another worker selected by the worker refusing to do the work
* The employer will prepare a written report containing the results of the investigation and how the situation including:
  + Actions taken to remedy the dangerous condition

Note: no personal information can be contained in the report. If there is a Health and Safety Committee or representative, the report must be provided to them.

If the Danger is Resolved

If [Organization Name] successfully resolves the dangerous situation, the employee is to return to work. The employee and employer must attempt to work together to resolve the matter internally.

Involvement of the OHS

If the employee and the employer cannot come to an agreement that the dangerous situation has been resolved, they may file a work refusal complaint with the OHS (if the situation is not urgent), or call the OHS when immediate assistance is required.

The OHS will assign an officer to resolve the complaint to deal with the situation by phone or in person. All employees of [Organization Name] are to cooperate fully with the OHS officer and their processes until the situation is resolved. This includes answering questions and providing any documents the officer requests.

The officer will either deem the work safe to perform, in which case the employee must return to work; or will provide the employer with orders on how to fix the dangerous condition. If the officer proclaims the work safe, the employee may no longer refuse the work.

Disciplinary Action

If it can be proven an employee of [Organization Name] has willfully abused the right to refuse dangerous work through appropriate investigation as set out within the OHS, disciplinary action may be taken.