## RIGHT TO REFUSE DANGEROUS WORK

[Organization Name] understands all workers have a right to a safe and healthy working environment. The purpose of this policy is to outline:

* The right to refuse work under the Nova Scotia *Occupational Health and Safety Act*
* The procedure that must be followed in the event of a work refusal

DEFINITIONS

“Reasonable grounds to believe” means that you have an honest belief that your work will cause you or someone else harm. If this is the case in your situation, you have the right to refuse work. The right to refuse may be used only where you have such reasonable grounds to believe that your work is unhealthy or dangerous to yourself or someone else. The right to refuse is only to resolve concerns and issues related to health and safety.

SCOPE

This policy applies to all workers at [Organization Name].

POLICY

[Organization Name] respects the legal right of employees to refuse work they believe is unhealthy or dangerous and will take the appropriate actions set out by the *Occupational Health and Safety Act*

According to the Act, employees of [Organization Name] may refuse to do any act they believe is unhealthy or dangerous to yourself or anyone else at your workplace.

When an employee exercises their right to refuse unsafe work, the work refusal process set out by the *Occupational Health and Safety Act* must be followed explicitly. To initiate the work refusal, a worker must only state they feel unsafe and do not wish to proceed with a task or activity.

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.

[Organization Name] will continue to pay the worker who is refusing to work at the regular rate during the work refusal process until it is safe to resume work. If the worker continues to refuse work beyond the point the work has been deemed safe, [Organization Name] is no longer required to provide pay and may begin disciplinary action.

[Organization Name] may assign other duties to the employee who is refusing dangerous work during the investigation process.

WORK REFUSAL PROCESS

Under the law, the following procedure must be followed in the event of a work refusal.

Step 1

* The worker reports the refusal to their immediate supervisor or alternate.
  + If no resolution is found and the employee continues to feel unsafe, move on to Step 2

Step 2

* If the worker continues to feel unsafe, the worker should continue to refuse.
* The employer reports the issue to the Joint Occupational Health and Safety Committee or Health and Safety Representative and they will investigate the work refusal
  + You may accompany an Officer or the JOHSC on a physical inspection of the workplace in relation to the work refusal.
  + If the matter is successfully resolved, the employee will safely return to work. If not, Step 3 will be initiated.

Step 3

* The worker or employer (or someone representing either of them) should call Nova Scotia Labour and Advanced Education, Occupational Health and Safety Division (902) 424-5400 or 1-800-9LABOUR (in N.S.)
* An OH&S officer will investigate the issue in consultation with the worker, safety representative and supervisor or management representative
* Any required/ordered changes to improve safety will be made by the employer
* The refusing worker will go back to work

During Step 1, if the supervisor has investigated and found a resolution they believe is safe, but the worker continues to refuse, the supervisor can ask another worker to perform the task while waiting for a resolution. However, the supervisor must let the second worker know:

* the task they are being asked to do has been refused by another worker
* why the task was refused, and
* that they also have the right to refuse the work

[Organization Name] understands that the second worker may also refuse the work.