## 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 New Brunswick *Occupational Health and Safety Act*
* The workers who have the right to refuse
* The procedure that must be followed in the event of a work refusal

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 unsafe and will take the appropriate actions set out by the *Occupational Health and Safety Act.*

According to Section 19 of the Act, employees of [Organization Name] may refuse to do any act they believe is likely to endanger their health or safety, or the health and safety of another employee.

When an employee exercises their right to refuse unsafe work, the work refusal process set out by the *Occupational Health and Safety Act* of New Brunswick 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 a WorkSafeNB Officer rules that 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.
* The employer or supervisor investigates the issue in the presence of the employee.
	+ If an acceptable resolution to the issue is put in place, the worker can go back to work
	+ If no resolution is found, move on to Step 2

Step 2

* If the worker continues to feel unsafe, the worker should continue to refuse.
* The matter will be brought to the attention of the Joint Health and Safety Committee or Joint Health or Safety Representative, as applicable, so they may investigate. If there is no JHSC or JHSR, move on to Step 3.
* 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 WorkSafeNB (1-800-999-9795)
* A WorkSafeNB 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.

If another worker accepts to carry out the work and the work is completed, the matter will be considered resolved to the satisfaction of the worker who initiated the work refusal and the right to refuse is extinguished. No further action will be taken by the officer with respect to the work refusal.

Appeals

If an employee does not agree with the decision of the WorkSafeNB officer, they may make an appeal to the Chief Compliance Office (CCO) within 14 days of the officer’s decision.