## 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 and the procedure that must be followed in the event of a work refusal.

SCOPE

This policy applies to all workers at [Organization Name]. In the Northwest Territories, all workers have the right to refuse work they believe is unsafe.

DEFINITIONS

“Unusual Danger” as defined by the Northwest Territories (NWT) Safety Act, means, in relation to any work, a danger that does not normally exist in that work; or a danger under which a person engaged in that work would not normally carry out their work.”

POLICY

[Organization Name] respects the legal right of employees to refuse work when they have reason to believe:

* There exists an unusual danger to their health and safety;
* The carrying out of the work is likely to cause to exist an unusual danger to their health or safety or that of any other person; or
* The operation of any tool, appliance, machine, device or thing is likely to cause an unusual danger to their health and safety or that of any other person.

When an employee exercises their right to refuse unsafe work, the work refusal process set out by the Workers’ Safety and Compensation Commission (WSCC ) 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.

As per the NWT Safety Act, [Organization Name] shall not assign the work to someone else until a Union and Employer Safety Committee member or the Safety Representative have investigated the situation and deemed it to be safe.

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.

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 manager. The worker may also notify the health and safety representative or supervisor.

Step 2

* The employer or supervisor investigates the issue with the worker and a safety representative or other chosen worker representative present.

Step 3

* The refusing employee has the right to have the health and safety representative, union representative, or another worker of their choosing present during the investigation.

Step 4

* The refusing employee has the right to stay in a safe place from which to watch the investigation.

Step 5

* The employer or supervisor will inform the refusing worker of the results of the investigation and the steps that have been taken to correct or eliminate the danger.

Step 6

* At this point, the refusing worker can choose to agree to return to work. If the worker is not satisfied with the outcome of the investigation, that would lead to Step 7.

Step 7

* If the worker continues to feel unsafe and believes that the unusual danger still exists, the WSCC must be contacted so that further investigation can occur.