## 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 dangerous work under Section 45 of the Newfoundland and Labrador *Occupational Health and Safety Act*, and
* The procedure that must be followed in the event of a work refusal

SCOPE

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

POLICY

As per the *Occupational Health and Safety Act*, "A worker may refuse to do work that the worker has reasonable grounds to believe is dangerous to his or her health or safety, or the health and safety of another person at the workplace.”

[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.*

When an employee exercises their right to refuse dangerous 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 report to their supervisor giving the precise conditions for the refusal to work and explain why they believe the work is dangerous.

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.

During the work refusal process, the worker must remain available at the workplace during the worker’s normal working hours and may be assigned to alternative duties not involving the perceived hazard.

[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 by an OHS worker, [Organization Name] is no longer required to provide pay and may begin disciplinary action.

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, giving the precise conditions.
  + The supervisor and worker should work together to assess the risk and resolve the concern.
  + The supervisor then informs the employee of the changes made.
  + If the matter is resolved, the worker returns to work.
  + If the employee continues to feel unsafe, then step 2 occurs.

Step 2

* If the worker continues to feel unsafe, the worker should continue to refuse and report the issue to a member of the occupational health and safety committee or the worker health and safety representative for investigation.
* If the matter is resolved, the worker returns to work.
* If the matter is not resolved to the worker’s satisfaction by the Occupational Health and Safety Committee or Worker Health and Safety Representative, then the worker must proceed to step 3.

Step 3

* The worker or employer (or someone representing either of them) should contact Contact Occupational Health and Safety Division of Service NL for:
  + Information and Concerns on workplace safety and general inspections at 709.729.2706 or 1.800.563.5471
  + All serious injuries must be reported to the Occupational Health and Safety Division of Service NL by calling 709.729.4444 (24 hours, serious accidents only)
* An OHS officer will investigate the issue in consultation with the worker, safety representative/committee member 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:

* there was a work refusal,
* the reasons for it,
* why the employer feels the work can continue safely, and
* that they also have the right to refuse the work

Where possible, an arrangement should be made for the refusing worker and the alternate worker to communicate to ensure the situation is clearly understood by all parties.

Note: A worker must be in the workplace and familiar with the alleged hazards in order to refuse to work, a right of refusal cannot be exercised in absentia, or on behalf of others.