## RIGHT TO REFUSE UNSAFE 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 *Workers' Safety and Compensation 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]. In Yukon, all workers have the right to refuse work they believe is unsafe.

DEFINITIONS

“Worker representative” within this policy means one of the following: a safety committee member who represents the workers, a safety representative if there is no safety committee, or another worker who has been chosen to represent a person who is refusing work.

Unsafe Work means: “Work is unsafe when the work activities or conditions (or both) are likely to endanger the health and safety of the worker or another person. (This could be inadequate training in the task or equipment, lack of guarding, or other inadequate mitigation measures for a hazard).” Source: Yukon’s Workers Safety and Compensation Board.

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 *Workers' Safety and Compensation Act*.

Employees of [Organization Name] may refuse any work, workplace condition or equipment they believe might endanger their health and safety, or the health and safety of another person. This right to refuse extends to workers who believe they may be endangered by workplace violence.

When an employee exercises their right to refuse unsafe work, the work refusal process set out by the *Workers' Safety and Compensation 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 a Workers’ Safety and Compensation Board Inspector 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.

The organization may assign the refusing worker to other work during the investigation.

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/employer or the person in charge at the workplace.

Step 2

* The employer or supervisor immediately investigates the issue and either takes any action needed to remedy the unsafe activity or condition or ensures such action is taken or informs the employee if they do not believe the concern is valid.
	+ The employee must remain at the workplace while the matter is being investigated so that they can answer any questions or provide additional information as needed.

Step 3

* If the worker continues to feel unsafe, the worker should continue to refuse and the supervisor or employer must investigate again. They must allow the refusing worker and one of the following persons to be present during the investigation:
	+ a trained worker representative committee member, if any, or
	+ a worker health and safety representative, if any, or if they are not available,
	+ another worker selected by the refusing worker;
* and without delay, take any action necessary to remedy any unsafe work activity or condition, or ensure that such action is taken.

Step 4

* If the worker still views the work as unsafe, [Organization Name] must make a report to the Yukon Workers’ Safety and Compensation Board (WCSB).
* A safety officer from the WCSB will investigate the matter and determine whether the work is safe or not

Step 5

Workers have a right to continue to refuse work which they view as unsafe until either a satisfactory resolution is met, or the WCSB safety officer determines that the work is safe and/or informs the employee they no longer have a right to refuse that work.

The officer must provide written reasons for their decision:

* the worker who refused to perform the work;
* the employer; and
* the committee or the worker health and safety representative, if any.

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 under Step 2. 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 an investigation with the WCSB is in process

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

The refusing employee is entitled to their same wage during this time and their supervisor is entitled to assign them to other work tasks.