

# Work Refusal Policy



## Purpose

To ensure the health and safety of all employees, [*insert name of company*] (“the Company”) has developed this work refusal policy to outline when an employee may refuse work they feel is unsafe and the procedures the Company will take when a refusal is made. Any employee who refuses to perform their duties because of a legitimate safety concern will not face any reprisal because of this action.

## Scope

The Work Refusal Policy applies to the Company, its employees, vendors, visitors and clients who are on the Company’s premises or acting on behalf of the Company at all times and without exception.

## Definitions

*Imminent Danger*: Under Sec. 35(2) of Alberta’s *Occupational Health and Safety Act*, “imminent danger” is defined in relation to any occupation as:

1. A danger that is not normal for that occupation; or
2. A danger under which a person engaged in that occupation would not normally carry out the person’s work.

## General Guidelines

All workers have the legal right to refuse unsafe work that either puts them in imminent danger, requires them to perform

work they have not been properly trained to do, or with safety hazards that could reasonably be avoided with proper safety equipment, procedures or necessary repairs.

Sec. 35(1) of Alberta's *Occupational Health and Safety Act* states that no worker shall:

1. Carry out any work if, on reasonable and probable grounds, the worker believes that there exists an imminent danger to the health or safety of that worker;
2. Carry out work if, on reasonable and probable grounds, the worker believes that it will cause to exist an imminent danger to the health and safety of that worker or another worker present at the work site; or
3. Operate any tool, applicant or equipment if, on reasonable and probable grounds, the worker believes that it will cause to exist an imminent danger to the health or safety of that worker or another worker present at the work site.

The Company takes the health and safety of our employees very seriously. No worker who refuses work that he/she deems to be unsafe will be subject to reprisals in the form of discipline, dismissal, threats of dismissal, penalties or suspension.

### **Work Refusal Procedure**

In the event of work being refused or stopped, the following actions are required:

#### Worker

1. The worker must immediately inform the supervisor, or an appropriate designate, of a work refusal with an explanation of the circumstances he/she believes put him/her in danger.
2. The refusing worker must remain in a safe place near the workstation and available to the supervisor or the Company for the purposes of investigation until an

investigation has been completed. If the situation is resolved at this point, then the worker will return to work.

3. Should the worker deem the situation to no longer be dangerous, the worker will return to work.
4. In the event that a worker is unsatisfied with the results of the investigation, he/she may continue to refuse the work provided he/she has reasonable grounds to base his/her refusal on. In the event of a continued refusal, the worker should file a complaint with an Occupational Health and Safety Alberta officer. An investigation by an Government Inspector shall be conducted. Please refer to the Continued Work Refusal Section below for more information.

#### Supervisor/Employer Representative

1. The supervisor or employer representative must investigate the situation immediately and resolve the issue in the presence of the worker and if there is such, one of the following:
  - A Joint Health and Safety Committee (JHSC) member who represents the worker;
  - A JHSC representative; or
  - Another worker who has been chosen by his or her peers (or union) to represent the workers.

The supervisor or employer representative should interview the worker and complete a work refusal form to ensure sufficient information has been collected in order to conduct a proper investigation. Following the investigation, immediate steps must be taken to correct any problems or issues discovered.

2. The supervisor should ensure that no other worker is assigned to use or operated the tool/equipment or perform the work for which the work refusal was made until the investigation has been completed and any resolutions have been implemented.

3. When the investigation has been completed, the Company will prepare a written report detailing the nature of the refusal, the investigation that took place and the actions taken, if any. A copy of the final written report will be given to the worker who originally made the refusal.
4. In the event that a worker is unsatisfied with the provided resolution and continues to refuse work, an Occupational Health and Safety Alberta office will be notified and a request for an investigation must be made. Please refer to the continued work refusal section below for more information.
5. The supervisor or employer representative may assign other reasonable work during the worker's normal work hours for a worker who has refused work. The worker will receive no loss of pay or reprisal for refusing unsafe work.

## **Continued Work Refusal**

In the event that a worker continues to refuse work:

1. The worker, employer or a representative of either must notify an Occupational Health and Safety Alberta officer. They can be reached at the toll free number 1-866-415-8690.
2. In the event that the inspector concurs that the work is unsafe and is satisfied that the worker has legal rights to refuse the work, the inspector may either direct a solution or come to the workplace to investigate the continued refusal. If there is a worker JHSC member, health and safety representative or union representative, the inspector will consult with them as part of the investigation.
3. Pending an investigation and a decision from the Inspector, no worker will be assigned to use or operate the machine, equipment, or tool, or work in the workplace or the workstation being investigated, unless,

(in the presence of a JHSC member, representative or another worker who has been chosen by his/her peers (or union) to represent the workers) that individual has been advised of the previous worker's refusal and their reasons for the refusal and there is no risk of imminent danger.

4. While waiting for the inspector's investigation to be completed, the worker must remain in a safe place near the workstation, unless the employer assigns some other reasonable work during normal working hours. In the event that the worker is covered by a collective agreement, any provision in the collective agreement that covers this situation will apply.
5. The inspector will determine if the work is likely to endanger the worker or any other person. If the work is found to be unlikely to endanger anyone, the refusing worker will be expected to return to work. If the worker continues to refuse to return to work following the confirmation the assignment/work is safe, continued refusal to return to work may be considered insubordination and disciplinary action may be initiated.
6. If the work is concluded to be unsafe, the Company will implement all necessary changes or precautions as recommended by the officer as require to remove the threat of danger from the position, tools, machines or equipment.

### **Payment for Refused Work**

- A refusal of unsafe work, up to the point the Occupational Health and Safety Officer rules the job is safe or a solution to address the complaint is initiated, allows the worker entitlement to payment at his/her appropriate rate.
- A person acting as a worker representative during a work refusal is paid at either the regular or the premium

rate, whichever is applicable.

- The Company is not required to continue payment in the event that refused work has been inspected and a safe ruling has been made and a written decision has been issued by an Occupational Health and Safety Officer.

## **Other Resources**

[Bill's General Cleaning](#)

[Work Refusals: Answers to 10 FAQs](#)

## **Signatures**

I have read and understand the terms and conditions of this policy. I agree to adhere to this policy and will ensure that employees working under my direction adhere to this policy. I understand that if I violate this policy, I may face disciplinary action, up to and including, termination of employment.