

## Unsafe Work Refusal

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### SAFE WORK PROCEDURE: UNSAFE WORK REFUSAL

#### PREAMBLE

All employees have the right to refuse to perform work if the employee has reasonable grounds to believe that the work or worksite constitutes an undue hazard to the health and safety of themselves or another employee or person.

#### SCOPE

This procedure applies to all employees of Mount Royal University, including exempt staff, faculty, staff, volunteers and any students performing work on behalf of the University (e.g. co-op students or research assistants).

#### LEGISLATION

Alberta Occupational Health & Safety Act, Part 3, Sections 17 to 19.

#### RESPONSIBILITIES

Associate Vice-Presidents / Deans / Directors / Department Managers:

- Ensure that this safety procedure is communicated to all employees.
- Ensure that this safety procedure is understood and followed by affected employees.

Supervisors / Chairs:

- Ensure that employees understand the hazards associated with their tasks and the controls to be used to reduce the risk from those hazards.
- Address all unsafe conditions immediately when possible; otherwise investigate all work refusals within their department as outlined in this procedure.
- Assign alternative duties to employees when required as per this procedure.

MRU Employees (Staff, Faculty, or Volunteers):

- Prior to completing a task, assess for hazards and ensure that controls are put in place to reduce the risk as low as reasonably achievable.
- Where a hazard that endangers the health and safety of the employee or other people in the area cannot be controlled, stop work and apply appropriate controls or contact the supervisor to report the hazard and investigate further.
- Perform alternate duties assigned, pending the investigation of the work refusal.
- Support coworkers by intervening if a coworker is completing a task unsafely or a dangerous condition exists that has not been controlled.

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Joint Occupational Health & Safety Committee (JOHSC):

- Comply if asked to participate in the investigation of work refusals if the situation is not immediately resolved.
- Report to EH&S work issues and questions from employees that may have not been directly related to EH&S.
- Review records of work refusals.

Environmental, Health & Safety (EH&S):

- Provide guidance on this procedure and the application of controls to reduce risks to a reasonable level.
- Participate and assist in work refusal investigations.

## PROCEDURE

In the event that work is refused or stopped, the steps outlined below shall be followed. A flowchart showing a summary of this procedure is available in [Appendix A](#).

### Employee:

1. Immediately inform their supervisor of the work refusal and the reasons they believe the work or work site poses an undue hazard to themselves or others.
2. If the condition cannot be immediately remedied, participate in the investigation with the supervisor and or an EH&S representative.
3. Aid in applying controls as determined in the supervisor investigation (if required).
4. If the employee believes that the work / work site no longer poses a threat, they shall return to the task.
5. If they are unsatisfied with the results of the supervisor investigation and believe with reason that the undue hazard has not been adequately controlled, the employee will work with their supervisor to fill out the refusal to work form.
6. If after the Unsafe Work refusal official investigation completion, the employee feels the undue hazard has not been adequately controlled, the employee will file a complaint with Alberta OHS.

### Supervisor:

1. Remedy all identified unsafe conditions immediately, if possible, after being notified of the conditions by an employee.
2. If the condition cannot be addressed immediately do not continue work until the hazardous condition has been resolved.
3. If the supervisor believes the risk has already been controlled, and the employee feels with reason that the hazard has not been adequately controlled, complete the Work Refusal Form (see [Appendix B](#)) with information on the work refusal and results of the investigation, including any corrective actions applied.
  - a. The Work Refusal Form shall be filed with the EHS department for record keeping purposes, with a copy provided to the JOHSC and the employee who refused the work.

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4. Ensure that no other employee is assigned to the task without being formally (in writing) notified of the work refusal.
5. Assign the employee other reasonable work, pending the final results of the investigation. The employee will receive no loss of pay or reprisal for refusing unsafe work.

**CONTINUED WORK REFUSAL**

In the event that an employee is unsatisfied with the results of the investigation and continues to refuse work, the employee or supervisor will contact Alberta OHS (1-866-415-8690) to request that an OHS officer investigate the work refusal.

Pending the results of the investigation, no other employee will be assigned to the task or worksite unless the new employee, is advised of the following in writing:

- The first employee's refusal
- The reasons for the refusal
- The reason why, in the opinion of the supervisor, the work does not pose a danger
- The new employee's right to refuse unsafe work

The OHS officer will investigate and provide a written report outlining the results of their investigation:

- If the work / worksite is deemed to be unsafe, the officer will recommend changes or precautions that must be put in place before work can continue.
- Once the work / worksite is deemed by the officer to be safe for work to continue, the refusing employee will be expected to return to the task. After the worksite has been deemed safe, continued refusal may be subject to discipline. Contact Human Resources for further information.

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**DEFINITIONS**

**Employee:** Volunteers or individuals who are engaged to work for the University under an employment or apprenticeship contract, including Faculty, Staff, exempt Employees, Management Employees, and Undergraduate, Graduate or Postgraduate students carrying out work for the University.

**Hazard:** A situation, condition or thing that may be dangerous to the safety or health of workers or the presence of an agent or environmental condition that could cause harm to people, property or the environment.

**Undue Hazard:** A serious and immediate threat to health and safety that the refusing worker actually observes or experiences at their work site.

**Joint Occupational Health and Safety Committee (JOHSC):** A committee established pursuant to Section 16 of the Alberta OHS Act, consisting of employer and employee representatives that advise and provide health and safety recommendations to the Executive Leadership Team. (ELT).

**OHS Officer:** An OHS Director or other person appointed under Section 26 of the OHS Act to perform health and safety inspections or other work on behalf of the Government of Alberta.

**Supervisor:** A person who has charge of a workplace, or authority over a worker. Depending on the particular reporting relationship, a Supervisor includes, but is not limited to any of the following: Supervisor, Chair, Manager, Dean, Associate Dean, Director, Vice President or President.

**Unsafe (Dangerous) Work:** A task or a work site that an employee has reasonable grounds to believe presents a hazard or danger to the health and safety of the employee or to other people in the work area.

**REVISION HISTORY**

Date	Revision	Notes
November 2019	01	Creation of Safe Work Program
April 2023	02	Revision of flowchart, legislation, duties, definitions

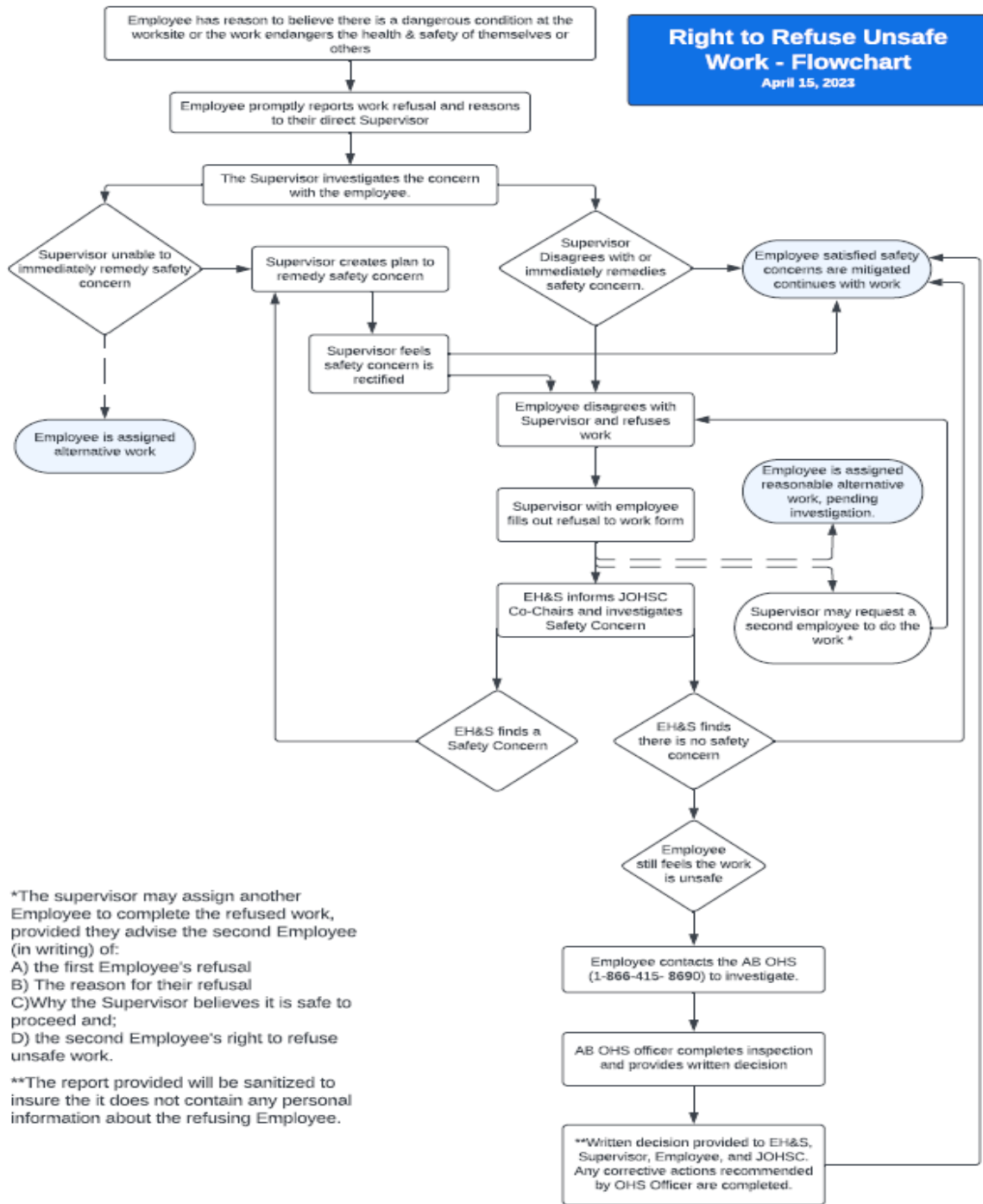
**APPENDICES**

[Appendix A: Right to Refuse Unsafe Work – Flowchart](#)

[Appendix B: Sample Work Refusal Report Form](#)

APPENDIX A: RIGHT TO REFUSE UNSAFE WORK – FLOWCHART

A stand-alone copy of this flowchart is available on the [EH&S website](#).



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**APPENDIX B: SAMPLE WORK REFUSAL REPORT FORM**

Supervisors must document all work refusals. The Work Refusal Form shall be filed with the EHS department for recordkeeping purposes, with a copy provided to the employee who refused the work. A sample copy of the template is below; refer to the [EH&S website](#) for the most current document.



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<b>Work Refusal Report Form</b>		
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*When complete, provide a copy to the employee and submit the original to the EHS Department.*

**SECTION A: PARTIES INVOLVED**

Employee Name:		Supervisor:
Employee Number:		EHS Rep:
Date:	Time:	Location:

**SECTION B: WORK REFUSAL DETAILS**

Task being performed and reason for work refusal?
Has this concern been identified before? <input type="checkbox"/> Yes <input type="checkbox"/> No
If No, explain:
If yes, who was notified? Dates and times of notification:
What action was taken?
Supervisor – describe current conditions:
Was the supervisor previously aware of the concern? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide details about notification and corrective actions applied:

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**SECTION C: WORK REFUSAL CORRECTIVE ACTION AND RESOLUTION (EH&S)**

What action will be taken?

Can this correction be applied immediately without need for further investigation?  Yes  No

If further investigation is required, provide an estimated due date:

**WORK REFUSAL RESOLVED INTERNALLY**

Date:	Employee Signature:
Supervisor Signature:	EHS Signature:

**WORK REFUSAL NOT RESOLVED INTERNALLY**

Why does the employee believe there is still a danger to health or safety?

Date/Time OHS contacted:

Date/Time OHS Inspector arrived:	Date/Time OHS Inspector departed:
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Results of OHS inspection (summary – attach copy of OHS report):

Date:	Employee Signature:
Supervisor Signature:	EHS Signature: