

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 a danger 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 4, Sections 31 to 36.

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):

- Worker co-chair or worker representative will be required to participate in the investigation of work refusals if the situation is not immediately resolved.
- Report ongoing work refusals (disputes) to Alberta OHS to request an officer attend to investigate.
- Maintain 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 in work refusal investigations on the request of the worker, supervisor, or JOHSC worker co-chair / worker representative.

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 a danger to themselves or others.
2. If the condition cannot be immediately remedied, participate in the investigation with the supervisor and JOHSC worker co-chair / worker representative or an EH&S representative. If neither a JOHSC worker representative or an EH&S representative are available, then a fellow employee may be selected by the employee initiating the work refusal.
3. Aid in applying controls as determined in the 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 investigation and believe with reason that the hazard has not been adequately controlled, they will work with a JOHSC worker co-chair / worker representative to 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 or if the supervisor believes the risk has already been controlled, investigate the work refusal immediately, in the presence of the employee and a worker co-chair / worker representative from the JOHSC or an EH&S representative.
 - a. If neither the JOHSC worker co-chair/ worker representative or EH&S is available, a peer employee, selected by the refusing employee, may attend.
3. Ensure that no other employee is assigned to the task / worksite until the investigation is complete and any corrective actions applied.

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4. 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 JOHSC for record keeping purposes, with a copy provided to the employee who refused the work.
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 the JOHSC worker co-chair / worker representative will contact Alberta OHS (1-866-415-8690) to request that an OHS officer investigates the work refusal.

Pending the results of the investigation, no other employee will be assigned to the task or worksite unless the new employee, in the presence of the JOHSC worker co-chair / worker representative, 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.

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 President's Executive Committee (PEC).

OHS Officer: An OHS Director or other person appointed under Section 42 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

APPENDICES

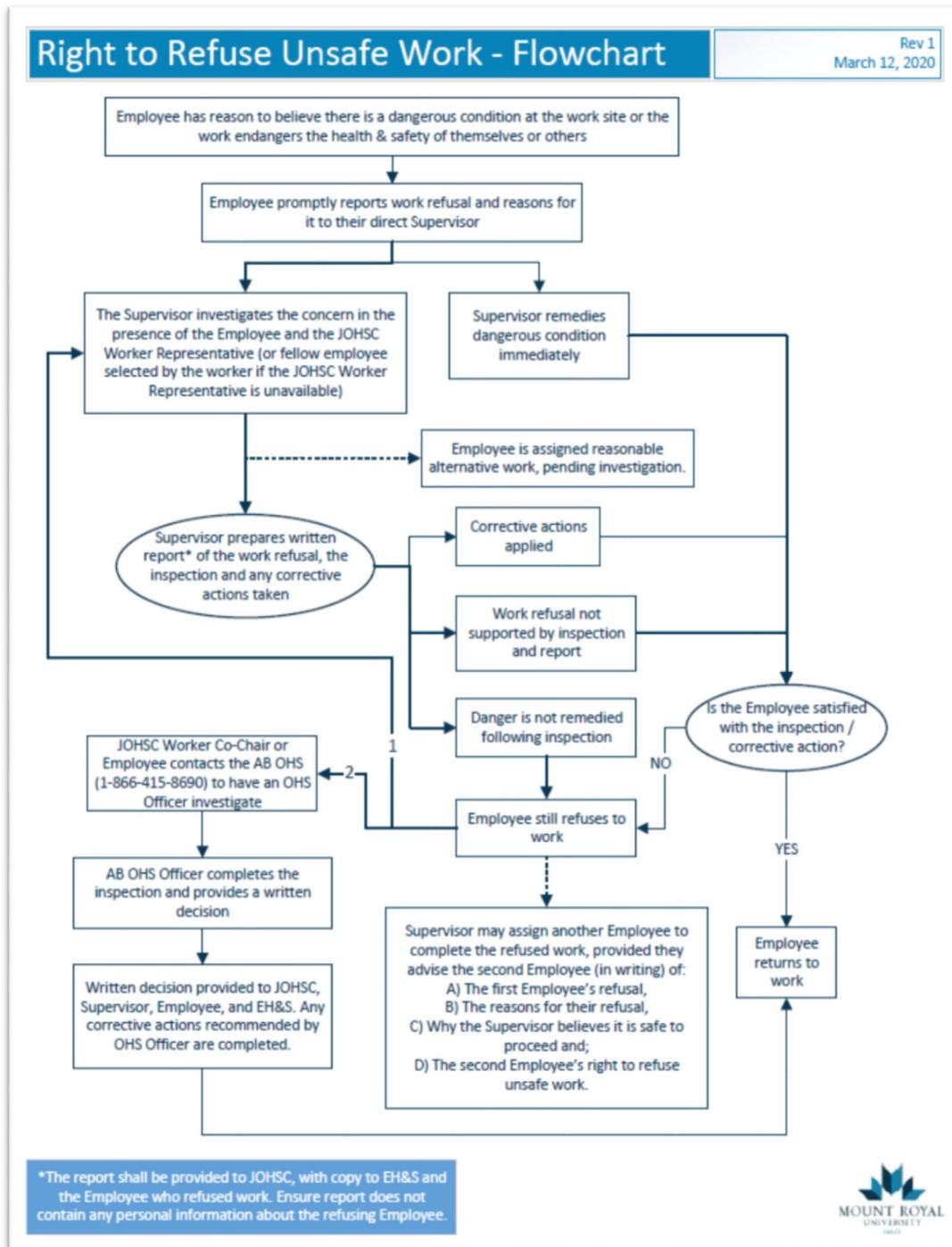
[Appendix A: Right to Refuse Unsafe Work – Flowchart](#)

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

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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 JOHSC 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.

			Mount Royal University - Environmental Health & Safety Documentation		
Work Refusal Report Form					
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<i>When complete, provide a copy to the employee and submit the original to the Joint Occupational Health & Safety Committee (JOHSC).</i>					
SECTION A: PARTIES INVOLVED					
Employee Name:			Supervisor:		
Employee Number:			JOHSC 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		
What action will be taken?		
Can this correction be applied immediately without need for further investigation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
If further investigation is required, provide an estimated due date:		
WORK REFUSAL RESOLVED INTERNALLY		
Date:	Employee Signature:	
Supervisor Signature:	JOHSC 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:	
Results of OHS inspection (summary – attach copy of OHS report):		
Date:	Employee Signature:	
Supervisor Signature:	JOHSC Signature:	