**Purpose**

(Organization’s name) takes the health and safety of all persons on and in the vicinity of the (Organization’s Name) property. (Organization’s name) recognises the importance of guaranteeing all work site parties’ have the ability to exercise their workplace health and safety rights including, the right to refuse work when undue hazards that pose a serious and immediate health and safety threat are present. As long as the refusal does not endanger anyone else on the work site within reason.

**Definitions**

* **Dangerous Conditions*:*** Alberta’s Occupational Health and Safety Act, “Dangerous Conditions” 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; or
3. Unexpected or unusual circumstances where hazards have not been adequately assessed or controlled.
* **Discriminatory Action**: Means any action of threat of action by a person that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion, and includes termination, layoff, suspension, demotion or transfer of a worker, discontinuation or elimination of a job, change of a job location, reduction in wages, change in hours of work, reprimand, coercion, intimidation or the imposition of any discipline or other penalty.
* **Employer:** as defined in the occupational health and safety act a person who employs or engages one or more workers; a person designated by an employer as the employer’s representative, or a director or officer of a corporation or a person employed by the employer who oversees the occupational health and safety of the workers employed by the corporation or employers.
* **Reporting Party:** the individual who the work refusal is being reported to.

**Policy**

The work refusal policy applies to (Organization Name) its employees, contractors, volunteers and visitor or any person whom is on (Organization’s Name) property without exception.

**Procedure**

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

1. The worker must immediately inform (identify who the reporting party is. Keep in mind situations and condition can change at a work site therefore the organization may have to identify a person for all work shifts) of the work refusal with an explanation of the dangerous condition resulting in the refusal.
2. Upon the receipt of the work refusal the (identify who the reporting party) will direct the refusing worker to ensure the safety of themselves and others who may be exposed to the dangerous condition, while they await the arrival of the (identify the reporting party).
3. The (reporting party) must investigate the situation immediately and if possible, take necessary actions to resolve the dangerous condition or ensure that action is taken. The (reporting party) must also inform the work place (health and safety committee or representative) of the work refusal in writing.
4. If the (reporting party) can fix the dangerous conditions and should the worker deem the situation to no longer be dangerous, the worker shall return to work.
5. If dangerous conditions can not be immediately remedied the employer/reporting party shall not assign work to another worker unless that individual has been advised:
6. of the previous worker’s refusal
7. the reasons for the refusal
8. the reason why, in the opinion of the employer, the work does not constitute a danger to the health and safety of any person or that a dangerous condition is not present and
9. that the worker’s right to refuse to do dangerous work
10. In the event that the dangerous condition is unable to be immediately remedy the employer (identify who this employer representative should be) will investigate the dangerous condition with the worker refusing and
11. if there is a Health and Safety Committee, the co-chair or a committee member who represents workers;
12. if there is a Health and Safety Representative, that representative; (choose between i or ii depending on your organization’s structure)
13. if there is no committee or representative, or where no committee member or representative is available, another worker selected by the worker refusing to do the work.
14. When the investigation has been completed, the employer (identify who this is) shall prepare a written report detailing the nature of the refusal, the investigation that took place and the actions taken. A copy of the final written report (identifiers omitted shall be given to:
15. the worker who originally made the refusal,
16. the Health and Safety Committee or the Health and Safety Representative (choose based on your organization’s structure)
17. In the event that the worker does not believe that the dangerous condition is resolved, he/she may continue to refuse the work provided he/she has reasonable grounds on which to base his/her refusal. In the event the worker or any party present during the investigation shall file a complaint with an Occupational Health and Safety Alberta officer and the officer will investigate the matter.
18. While waiting for the investigation from an officer the worker who has refused is
19. entitled to receive the same wages and benefits as if they had continued work;
20. manager or employer representative (identify who this is) may assign other reasonable/temporary work during the worker’s normal work hours for a worker who has refused work (this is not considered discriminatory actions.)
21. In the event that the officer concurs that there is a dangerous condition or danger to the worker’s health and safety or the health and safety of any other worker or person at the work site the officer shall
22. make a written report stating the officer’s decision;
23. make any order under this Act that the officers considers necessary; and
24. give a copy of the report and any order to
* the worker who refused to do the work,
* the employer,
* the Health and Safety Committee, if one exists,
* any other person who filed a complaint.
1. In the event that the officer determines that a dangerous condition is not present, the officer shall, in writing
2. inform the employer and the worker of that decision,
3. inform the health and Safety Committee, if one exists, of that decision and
4. inform the worker that the worker is no longer entitled to refuse to do the work.

**Forms** [Organizations would list forms, checklists and policies that are associated with this policy.]

* Dangerous Work Refusal Form (see CCSA template)
* Incident Investigation Form (see CCSA template)

**Reference**

Alberta Occupational Health and Safety Act, June ,12018

Right to refuse dangerous work: OHS information for employers and workers, Dec 1, 2019