POLICY: HR-XI-9

DEPARTMENT: Human Resources **CATEGORY:** Health and Safety - General

EFFECTIVE DATE: July 2023

SUPERSEDES VERSION DATED: August 2022

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Policy & Procedure Manual

RIGHT TO REFUSE UNSAFE WORK - HR-XI-9

POLICY:

The Occupational Health & Safety Act gives workers "the right to refuse work or do particular work which he or she has reason to believe the work, or part of the work is unsafe."

Workers have the right to refuse work they believe would directly endanger the life, health or safety of another person. However, as stated in the Health and Safety Act, this right has limitations for certain workers which include OPTIONS NORTHWEST. Limitations apply to ... "a person employed in the operation of a residential group home or other facility for persons with behavioural or emotional problems, or a physical, mental or developmental disability."

PURPOSE:

- 1. To ensure that workers are aware of their rights.
- To ensure compliance with the Health & Safety Act.
- 3. Provides the workplace parties with the opportunity to constructively resolve workplace Health and Safety concerns.

PROCEDURE:

- In accordance with the Occupational Health and Safety Act, Section 43 (3), a worker may refuse to work or do particular work where he or she has reason to believe that:
 - a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
 - b) the physical condition of the workplace or work station or the part thereof in which he or she works or is to work is likely to endanger himself or herself.
 - c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the work place or the part thereof in which he or she works or is to work is in contravention of this act or the regulations and such contravention is likely to endanger himself, herself, or another worker.
 - d) workplace violence is likely to endanger the worker. NOTE: This right is limited for workers in which a danger to health or safety in inherent in the worker's work or a normal condition of employment.

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- 2. Workers exercising their right must immediately report the unsafe condition to their supervisor/designate following the process outlined in the Flow Chart, (Appendix B), and must complete an Employee Incident Report (Appendix A). This form must be forwarded to the Coordinator, Health and Safety who will be responsible for following up with the area Health and Safety Representative or committee member to ensure an opportunity to make recommendations to the Executive Director. If a worker needs to leave the workplace due to a hazard, i.e. allergy, they must notify their supervisor immediately and follow the supervisors' instructions.
- 3. The Co-ordinator, Health and Safety shall work with all necessary individuals to ensure the required steps per the flow chart are completed.
- 4. The Coordinator, Health and Safety, will forward the incident form to the Executive Director for review, initialling, and/or recommendations. A copy will be kept in the office of the Coordinator, Health and Safety.

RECOMMENDED BY: Manager, Human Resources APPENDICES: 2

OPERATIONAL ACCOUNTABILITY: Administration, Finance, Human Resources, Supportive Living Services (all)

ORIGINAL POLICY DATE: January 1997

AUTHORIZED BY: Executive Director **SIGNATURE:**

Employee Incident Report

POLICY: HR-XI-9 APPENDIX A

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WORKER REFUSAL PROCESS

