



## **Occupational Health & Safety Program**

### **Right to Refuse Unsafe Work**

**Best Practice 007**



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## 1.0 Introduction

The refusal of unsafe work is both a fundamental right and a responsibility held by workers. A worker's refusal of unsafe work is an integral element in ensuring work is carried out safely. Workers who reasonably believe work is unsafe must refuse to perform that work and are entitled to have their employer investigate and, where necessary, correct the hazard.

## 2.0 Scope

A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.

An employee, at work, has the right to refuse dangerous work if he or she has reasonable cause to believe that:

- a condition exists at work that presents a danger to himself or herself;
- the use or operation of a machine or thing presents a danger to the employee or a co-worker;
- the performance of an activity constitutes a danger to the employee or to another employee.

## 3.0 Responsibilities

### 3.1.1 Employer:

- Provide resources for the development, implementation, and training of the work refusal practice;
- Participate in work refusal reviews as required

### 3.1.2 Supervisor:

- Attend the work refusal right away;
- Receive the work refusal and be open and responsive to the worker's concern and help the worker identify the specific problem
- Clarify the work refusal and ensure the worker is refusing unsafe work and the details of the refusal.
- Initiate the work refusal process.
- Ensure the procedure is followed up correctly and where required corrective actions are identified, implemented and followed-up;



### 3.1.3 Health and Safety Officer or Designate

- Lead the development and implementation of the work refusal policy, procedures and training;
- Coordinate training of all new and existing workplace parties and maintain evidence of training records e.g. content, dates and signatures;
- Act as a resource to management, worker and JHSC or worker representatives with regards to work refusals and process;
- Attend work refusals if possible;

### 3.1.4 Worker:

- Report hazards immediately when you become aware of them.
- When workers believe their health and safety is in danger and choose to refuse work, they must notify their supervisor right away and state clearly that the reason for work refusal is safety.
- Follow the work refusal practice.

## 4.0 Definitions

- *Undue hazard"*  
A "hazard" is identified in Part 1 of the *Regulation* as "a thing or condition that may expose a person to a risk of injury or occupational disease." Further, "undue" is defined by the Oxford dictionary as "unwarranted, inappropriate, excessive or disproportionate." Therefore, a thing or condition that may expose a worker to an excessive or unwarranted risk of injury or occupational disease represents an undue hazard for the purposes of section 3.12 of the *Regulation*.
- *"Reasonable cause to believe"*  
The use of the term "reasonable" in "reasonable cause to believe" means that the worker must assess the situation as a reasonable person, taking into account relevant and available information and exercising good faith judgment with respect to the hazard with due regard to the worker's training and experience.

## 5.0 Procedure

A worker who refuses to carry out a work process or operate a tool, appliance or equipment must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.

- (3) A supervisor or employer receiving a report must immediately investigate the matter and
  - (a) ensure that any unsafe condition is remedied without delay, or
  - (b) if in his or her opinion the report is not valid, must so inform the person who made the report.



- (4) If this does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
- (a) a worker member of the joint committee,
  - (b) a worker who is selected by a trade union representing the worker, or
  - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker,
  - (d) the Health and Safety Officer or designate.
- (5) If the investigation does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

The Incident / Hazard ID / Near Miss form will be used to document and initiate the process.

## 6.0 Discrimination against workers

An employer or union, or a person acting on behalf of an employer or union, must not take or threaten discriminatory action against a worker

- (a) for exercising any right or carrying out any duty in accordance with this Part, the regulations or an applicable order,

## 7.0 References

Worksafe BC Regulation Part 3 Rights and Responsibilities Refusal of Unsafe Work 3.12, 3.13

Link: [Regulation Part 3 Rights and Responsibilities - Refusal of Unsafe Work](#)

BC Workers Compensation Act Part 3 Division 6 Prohibition Against Discriminatory Action 150, 151

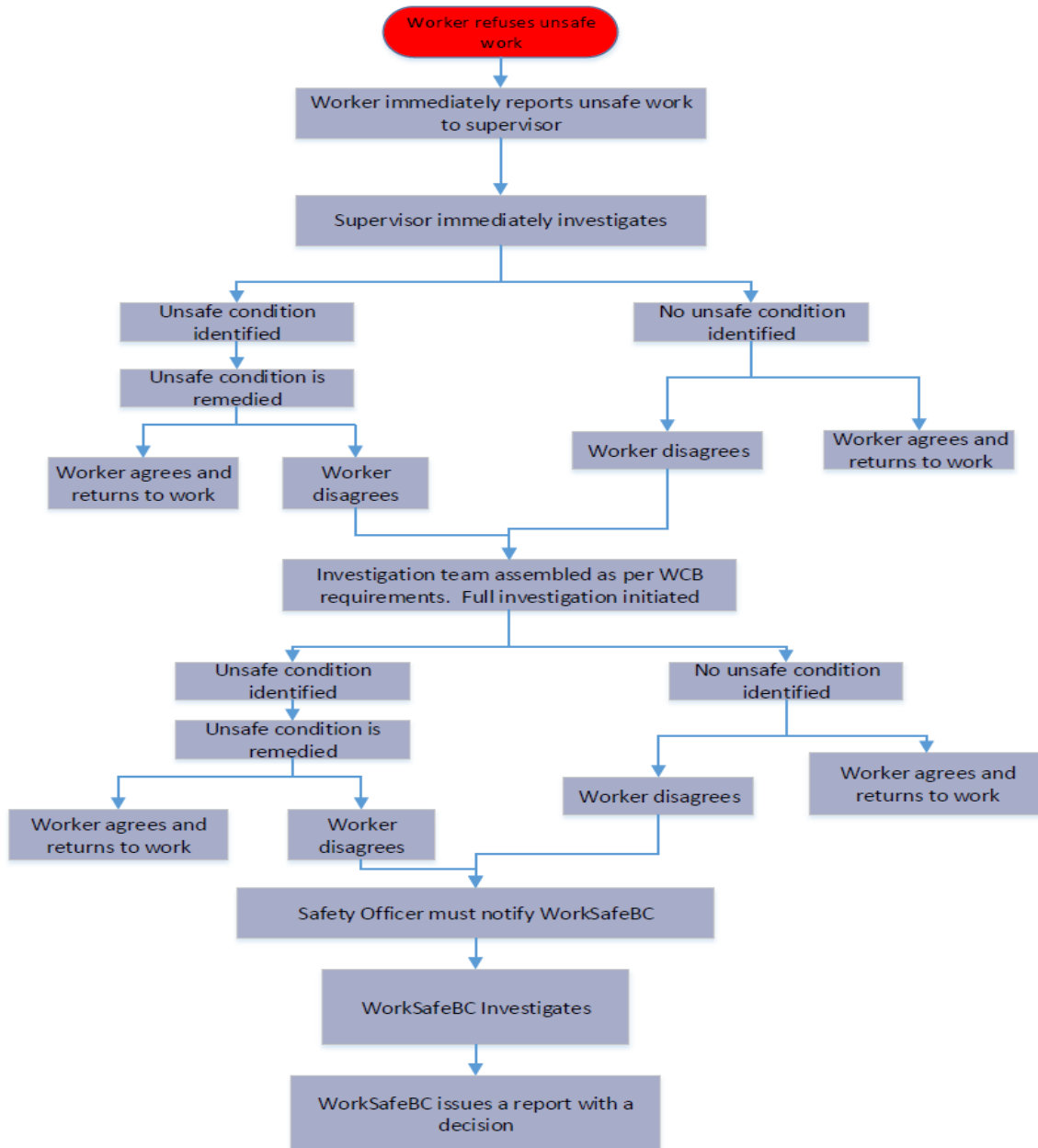
Link: [Regulation Part 3 Rights and Responsibilities - Refusal of Unsafe Work](#)

8.0 Appendix

8.1.1 Work Refusal Flow Chart



School District 22 Work Refusal Process



8.1.2 Incident / Hazard ID / Near Miss Report



**Incident / Hazard ID / Near Miss Report**

<b>Name of person reporting:</b>		<b>Date reported:</b>	<b>Time:</b>
<b>General location (school, facility):</b>		<b>Specific location (room #, area):</b>	
<b>Incident</b>	<b>Hazard ID</b>	<b>Near Miss</b>	
<b>Description of Incident, Hazard or Near miss</b>			
<b>Immediate Action Taken:</b>			
<b>Basic Cause(s)</b>		<b>Contributory Cause(s)</b>	
<b>Recommended Corrective Actions :</b>			
<b>Supervisor to complete:</b>			
<b>Corrective action</b>	<b>Assigned to</b>	<b>Target Completion Date</b>	
<b>Comments:</b>			
<b>Are corrective actions complete? YES                      NO</b>			
<b>Committee Member's Signature</b>		<b>Date:</b>	
<b>Supervisor's Signature:</b>		<b>Date:</b>	

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