

700.9.1 Workplace Health and Safety - Refusal to Work

The Division is committed to healthy and safe worksites for all employees who are performing work. All employees have the right to refuse work if a danger exists on the work site using the following process outlined below:

1. Employers and Employees must distinguish this work refusal procedure from every day due diligence associated with the recognition, reporting and correcting of workplace safety hazards.
 - 1.1 Due diligence is the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do in a particular position and under particular circumstances. It is understood that there are workplace safety hazards that are associated with work assigned to employees. These safety hazards are outlined in the hazard assessment for the employee's position completed by employees with controls that the employer and employee are responsible for attending to.
 - 1.2 Employees have a duty to take reasonable care to ensure the safety of themselves and their coworkers – this includes following safe work practices and complying with regulations.
 - 1.3 Employers have a duty to provide reasonable efforts to comply with legislation through OHS policies, practices, and procedures that demonstrate workplace safety requirements.
2. Employees must first notify their direct supervisor if they believe on reasonable grounds that a dangerous condition exists which constitutes a credible danger to themselves or that of another person. The employee fills out Part A of the "Work Refusal Investigation Form". This form is reviewed with the direct supervisor to ensure that the employee is aware of the recommended hazard control protocols that have been put in place by the employer and the employee has considered the control protocols they can put in place as an employee.
3. The direct supervisor must review and discuss Part A of the "Work Refusal Investigation Form" (Form 700.8.1) with the employee and within one work day to investigate the circumstance of the refusal to work;
4. The direct supervisor may take remedial action necessary to address the dangerous condition(s) or ensure that such an action is taken.
5. If the dangerous condition or the danger to the employee's health and safety or to the health and safety of another employee or another person is not remedied after the above investigation and actions taken by the direct supervisor, the employee who refused to perform the work, may proceed to Section B of Form 700.8.1 and file a complaint with the OHS Management Committee at OHS@lethsd.ab.ca.
6. On receiving a complaint, the OHS Management Committee, shall assign an investigative team to the matter and decide whether there is a dangerous condition or whether the work the employee has refused to do constitutes a danger of the health and safety of the employee or of any other employee or person at the work site.

7. If the OHS Investigative Team decides that there is a dangerous condition or a danger to the employee's health and safety or to the health and safety of any other employee or person at the work site, the OHS Investigative Team shall:
 - 7.1 Make a written report stating the OHS Investigative Teams decision,
 - 7.2 Make any order under this Act that the OHS Investigative Team considers necessary, and
 - 7.3 Give a copy of the report and order to the employee, employer and the OHS Joint Committee.

8. If the OHS Investigative Team decides that a dangerous condition is not present, the committee shall, in writing,
 - 8.1 Inform the employer and the employee of the decision,
 - 8.2 Inform the Division Joint Work Site Health and Safety Committee, or rep of that decision, and
 - 8.3 Inform the employee that they no longer are entitled to refuse to do the work.

9. Every reasonable effort shall be made to resolve any dangerous work conditions that may exist as soon as reasonably practical however, if the dangers condition is not remedied after inspection refer to (number in procedure). The employee or any person present during the inspection may file a complaint with an Alberta Occupational Health and Safety Officer and complete section C of the Work Refusal Investigation Form.

References

Alberta Occupational Health and Safety Act, Regulations and Code: Section 31 and 32
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