



Team Name: Workplace Safety & Health Program Team Lead: Regional Manager – Workplace Safety & Health Approved by: Vice President – Human Resources	Reference Number: ORG.1513.PL.004 Program Area: Human Resources Policy Section: Workplace Safety & Health
Issue Date: August 10 2017 Review Date: Revision Date:	Subject: Right to Refuse Dangerous Work

POLICY SUBJECT:

Right to Refuse Dangerous Work

PURPOSE:

To ensure timely and accurate investigation of an employee’s refusal to work in situations in which he/she believes on reasonable grounds that the work constitutes a danger to his/her safety and health or the safety and health of another employee in accordance with the Manitoba Workplace Safety and Health (WS&H) Act W210.

BOARD POLICY REFERENCE:

Executive Limitations (EL-3) Treatment of Staff

POLICY:

All work refusal situations will involve steps towards the resolution process identified within the Southern Health-Santé Sud Investigating Safety Concerns and Right to Refuse Algorithm and Workplace Safety and Health Concerns form.

PROCEDURE:

1. **Employee reports work refusal:** An employee who refuses to perform a task(s) that he/she believes is dangerous work must promptly report the refusal and the reasons to his/her immediate supervisor or designate using the WS&H Concern form (ORG.1513.PL.004.FORM.01). A written account of the refusal must be submitted to the immediate supervisor at the time of the refusal. The employee shall not to leave the site without the permission of the supervisor until the initial review of the refusal is conducted. Promptness is essential to avoid serious consequences.
2. **WS&H Concerns Form inspection:** Upon receiving the written refusal, the immediate supervisor or designate must carry out an inspection of the work site with the employee and takes appropriate actions to remove the identified hazard from the employees task or work.
 - 2.1 The immediate supervisor shall not request or assign another worker unless they have advised the new employee in writing of:
 - The first employee’s refusal,
 - The reason for the refusal,

- The new worker's right to refuse of dangerous work under the WS&H Act,
 - The reasons in the supervisor's opinion, the work does not constitute a danger to the new worker and;
 - The actions taken to remedy the dangerous condition.
- 2.2 For potentially dangerous condition: all efforts are made to correct the condition in an efficient manner.
- 2.3 For conditions deemed not dangerous: the employee is informed of the rationale for the decision and requested to return to work.
3. **Employee may continue to refuse work:** The employee may invoke his/her right to refuse dangerous work and be reassigned, temporarily to alternate work while the refusal is investigated and resolved. The employee may be re-assigned work until a final decision has been agreed upon. The employee is entitled to the wages and benefits that he/she would have received had the employee continued to work.
- 3.1 If the situation cannot be resolved at the department/program level, further inquiries must be made to the applicable WS&H Committee for a formal investigation/resolution. See WS&H Committee Investigation Summary Report (ORG.1513.PL.003.FORM.01)
- 3.2 Upon completion of the WS&H Committee Investigation Summary Report, if the refusal continues, the employee may contact the provincial WS&H Branch to inform them of the work refusal to determine if a site investigation is required.
4. **Investigation of the Provincial WS&H Branch:** Upon receiving notice of a work refusal, the Safety & Health Officer (SHO) investigates the matter and decides if the work does constitute a danger to the safety and health of the employee or other employees in the workplace.
- 4.1 If the WS&H Branch decides that the work is dangerous he/she will:
- Issue a written report stating his/her findings, with potential improvement order, and/or stop work order; or
- 4.2 If the WS&H Branch is satisfied the work is not dangerous, he/she will;
- Inform the employee and the immediate supervisor or designate of the decision and the employee must return to work.
5. In the case of disagreement, a final appeal may be made by the employee to the Manitoba Labour Board.

SUPPORTING DOCUMENTS:

ORG.1513.PL.004.FORM.01	Workplace Safety and Health Concerns Form
ORG.1513.PL.004.FORM.02	Workplace Safety and Health Committee Investigation Summary Report
ORG.15.13.PL.004.SD.01	Investigating Safety Concerns and Right to Refuse Dangerous Work Algorithm

REFERENCES:

The Workplace Safety and Health Act W210, Sections 43