**RIGHT TO REFUSE DANGEROUS WORK**

Approved by:

Effective Date: January 1, 2018

A worker my refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or to the safety or health of another worker or another person.

INSPECTING THE WORKPLACE

If the employer does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, shall immediately inspect the workplace in the presence of the worker and one of the following people:

* The worker committee co-chairperson (if they exist) or a committee member if that person is not available.
* The Safety Coordinator
* If there is neither of the above available, another worker selected by the worker who is refusing work.

REMEDIAL ACTION

The person required to inspect the workplace shall take any action necessary to remedy any dangerous condition, or ensure that such action is taken. Until the dangerous condition is remedied, the worker who reported it may continue to refuse work or do particular work.

OTHER WORKERS NOT BE ASSIGNED

The employer shall not request or assign another worker to do the work unless the other worker has been advised by the first worker, or by a Safety or Health Officer, of the first worker’s refusal and the reasons for it.

REPORT OF DANGEROUS CONDITION TO AN OFFICER

If the dangerous condition is not remedied after an inspection, any of the persons present during the inspection may notify a Safety and Health Officer of the refusal to work and the reasons for it.

INVESTIGATION BY OFFICER

On receiving a notice, the officer shall investigate the matter and decide whether the work the worker has refused to do constitute a danger to the safety or health of the worker or any other worker or person at the workplace.

ORDER BY OFFICER

If the officer decides that the work is dangerous, he or she shall:

* Make a written report stating the officer’s findings
* Make any improvement order, or stop work order, that the officer considers necessary of advisable; and
* Give a copy of the report and any order to:

1. The worker who refused to do the work
2. The employer, and
3. The Co-Chairpersons of the committee, or the representative

DECISION NOT TO ISSUE AN ORDER

If the officer decides that the work is not dangerous, he or she shall:

* Inform the employer and the worker of that decision; and
* Inform the worker that he or she is no longer entitled to refuse to do the work

WORKER ENTITLED TO BE PAID DESPITE REFUSAL

If a worker has refused work or to do a particular job:

* The worker is entitled to the same wages and benefits that he or she would have received had the worker continued to work; and
* The employer may re-assign the worker temporarily to alternate work

EMPLOYER NOT TO MAKE WORKER WORK IN UNSAFE CONDITIONS

When the employer at a workplace of his or her agent, or the supervisor or another person representing the employer at the workplace in a supervisory capacity, knows or ought to know of a condition at the workplace that is or is likely to be dangerous to the safety or health of a worker, he or she shall not require or permit any worker to do that work until the dangerous condition is remedied.

EMPLOYER MAY REMEDY DANGEROUS CONDITION

Nothing prevents the doing of any work or thing at a workplace that may be necessary to remedy a condition that is or is likely to be dangerous to the safety or health of a worker.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Name)*

Chief Administrative Officer

*(Name of Municipality)*