

RIGHT TO REFUSE UNSAFE WORK

[Organization Name] understands that employees have the right to refuse to undertake any job or task that they have reasonable grounds to believe is unusually hazardous to their health or the health or safety of others on the job.

Workers who exercise their right to reject are legally protected under *Saskatchewan Employment Act* (SEA) Section 3.31. [Organization Name] will not terminate or discipline an employee for refusing to perform a particularly dangerous job.

POLICY

A worker should never perform work, in unusually dangerous settings, for which they are not trained, equipped, or experienced with. An unusual risk may include the following:

- a danger that is not typical for the task;
- a danger that would typically cause work to be halted; or
- a circumstance for which the employee is not sufficiently trained, equipped, or experienced to perform the given work.

Employees should take the following steps if they believe their work is exceptionally dangerous:

1. Inform their supervisor/manager that they are refusing a certain job or task due to a concern about their occupational health and safety (OHS) (or the health and safety of another person).
 - a. Until the work refusal is resolved, the supervisor/manager may reassign the refusing employee to a different job or task.
 - b. [Organization Name] will not assign another employee to the work in question unless the replacement worker is informed in writing of the following:
 - i. The refusal and the grounds for it;
 - ii. Why the supervisor/manager believes the replacement worker is capable of safely performing the disputed job;
 - iii. The substitute worker's right to refuse; and
 - iv. The procedures for exercising this right.

The supervisor/manager must also inform employees scheduled to perform the same job on alternate shifts about the refusal and the reasons for it.

- c. The employee may not leave the work site without the authorization of the supervisor/manager.
2. If the employee is unable to settle the issue with the supervisor/manager, the employee must inform the Health and Safety Committee (the Committee).
3. If the Committee is unable to address the refusal, the following steps must be taken:
 - a. Convene an emergency meeting, where the Committee co-chairs direct the Committee members to investigate the refusal. If necessary, the supervisor/manager may consult with the Committee to determine whether the work is exceptionally harmful. This determination must be made by a quorum vote. Quorum is defined as:
 - i. a minimum of half of all Committee members must be present;



- ii. a minimum of half of all Committee members must be workers; and
 - iii. a minimum of one management member must be present.
 - b. The Committee will give a ruling on the refusal as to whether the worker indeed has reasonable grounds to believe the work is especially dangerous. The ruling will be from a quorum that votes unanimously.
 - i. If the Committee rules unanimously in favour of the refusing worker, it will provide suggestions to the supervisor/manager on how to address the matter.
 - ii. If the unanimous judgement is against the refusing worker, the Committee will write to the worker explaining why the refusal was invalid and that the worker must return to work.
 - c. The next steps are to keep track of the investigation, examining appropriate legislation, work processes, and product documentation, among other things, during the investigation.
 - d. Make recommendations to the employer for progressive discipline. These should be added to the meeting minutes, including a summary of the inquiry. [Organization Name] will take action on the recommendations and will notify the Committee.
 - e. Investigate the fundamental reasons for the refusal. The Committee can assist in identifying the underlying issues that contributed to the refusal and preventing future ones.
4. If the Committee cannot reach an agreement (i.e., there is no unanimous vote), or if the refusing worker or the supervisor/manager are dissatisfied with the Committee decision, they may contact the OHS Division.
5. The findings of the investigation must be summarized in the Committee minutes and distributed to employees. Throughout the investigation, all parties should be kept updated.
6. The Committee should monitor the effectiveness of progressive discipline through inspections, interactions with workers, and other activities - all of which should be documented.