



**Policy:** EBD  
**Subject:** Work Refusal

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### **Policy:**

The Red River Valley School Division Board of Trustees recognizes the right of every individual to refuse work where they have reasonable grounds to believe that the work is dangerous to the health and safety of themselves or others.

### **Protocol:**

1. *Responsibility of the Board of Trustees and Senior Administration*
  - a. Ensure a system is in place to deal with refusals to work including an investigation of root causes and subsequent corrective action, where reasonable and practicable.
2. *Responsibilities of the Site Administrator*
  - a. To communicate, and administer the policy.
  - b. In the event of work refusal by an employee, the site administrator will engage the Workplace Safety and Health Coordinator.
  - c. In cooperation with the Workplace Safety and Health (WSH) Committee, investigate refusals to work.
  - d. Ensure that root causes of refusals to work are rectified and follow up on corrective action to ensure that it is effective.
  - e. Keep records of investigations on file and ensure the WSH Committee and WSH Coordinator receive a copy of the final report.
3. *Responsibilities of Workers*
  - a. Inform the site administrator of potential unsafe work conditions.
  - b. Follow divisional Work Refusal Procedures in the event of a refusal to work situation.
4. *Responsibilities of WSH Committee*
  - a. To actively participate in investigations of refusals to work.
  - b. To keep a record of investigation reports.

### **Procedure:**

#### **Procedures for the worker:**

##### **Stage 1**

- The worker must immediately report their intention to refuse work and stating the reasons, to the site administrator, or to any other person in charge at the workplace.
- The refusing worker and site administrator must attempt to resolve the concern. If the site administrator resolves the matter to the worker's satisfaction, the worker shall return to work.
- The site administrator and the worker will both complete a Work Refusal Report and a copy will be sent

the WSH Committee and the Workplace Safety and Health Coordinator.

- If the work refusal cannot be resolved....

### Stage 2

- The worker co-chairperson of the WSH committee, or a committee member who represents workers (or a worker representative, if there is no committee), must be involved.
- Working with the site administrator and the refusing worker, the WSH Committee member must make every effort to resolve the matter internally. If the matter is resolved to the worker's satisfaction, the worker will return to work.
- The WSH Committee member or representative, site administrator and the worker will complete a Work Refusal Report and a copy will be sent the WSH Committee and the Workplace Safety and Health Coordinator.
- If the work refusal cannot be resolved....

### Stage 3

- Any of the persons present during the inspection in STEP 2 may notify a Safety and Health Officer of the Manitoba Department of Labor of the refusal to work. The safety and health officer will investigate the matter and decide whether the job situation or task the worker has refused constitutes a danger to the safety or health of the worker or any other worker or person at the workplace. The safety and health officer's decision will be final.
- The Officer will provide a written decision to the refusing worker, each co-chairperson and the representative and employer. Anyone directly affected by an officer's decision may appeal it to the Director of the WSH Division. The Director will make a decision about the appeal, and provide written reasons. The decision of the Director may be appealed to the Manitoba Labour Board.

### Procedures for the WSH Committee:

Prior to contacting the Workplace Safety and Health Division of the Department of Labor, the WSH Committee must take the following steps to investigate and remedy a work refusal:

- 1) Hold an emergency committee meeting – If the refusing worker is not satisfied, have the full committee investigate. The committee members will vote on the refusal.
- 2) If the refusing worker is not satisfied, a WSH Committee co-chair will contact a Workplace Safety and Health Officer.
- 3) The worker co-chair will inform the worker about the findings of the investigation, or the Safety and Health Officer's ruling.
- 4) Monitor the effectiveness of corrective action – The effectiveness of corrective action should be checked by the committee during inspections, conversations with workers, and other activities.

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<b>Program Element:</b>	<b>WORK REFUSAL</b>
<b>Effective Date:</b>	November 2004
<b>Reference:</b>	Workplace Safety and Health Act, Section 7.4(5)(i), 43(1)
<b>Form:</b>	Work Refusal Report

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# WORK REFUSAL FLOW CHART



