Refusal Of Dangerous Work Policy



PURPOSE

[Company Name] (“the Company”) is committed to maintaining a safe and healthy work environment. This Policy outlines the right of employees to refuse work they reasonably believe to be dangerous, the process for reporting and investigating such refusals, and the protections employees have when they exercise this right. The objective is to ensure that any potential hazards are promptly addressed in accordance with applicable occupational health and safety legislation.

SCOPE

This Policy applies to all full-time, part-time, contract, and casual employees of the Company who are covered under the occupational health and safety legislation in their province/territory of work or by federal regulations if they work in a federally regulated sector. In the event of a conflict between this Policy and local legislation, the greater right or benefit to the employee will apply.

DEFINITIONS

- **“Dangerous Work”**: Any task or work environment that an employee reasonably believes poses an imminent or serious threat to their health or safety, or that of others in the workplace, as described by applicable occupational health and safety legislation.
- **“Refusal of Dangerous Work”**: The legal right granted to employees to refuse to perform specific work if they have reasonable grounds to believe the task or environment is unsafe.

ELIGIBILITY

All employees are entitled to refuse work they reasonably believe to be dangerous if they:

1. Have a genuine concern that the work poses a serious threat to their health or safety or that of others.
2. Comply with the reporting and investigation procedures outlined in this Policy and by law.

PROCESS FOR REFUSING DANGEROUS WORK

1. **Immediate Notification:**

- The employee must immediately notify their Supervisor or Manager that they are refusing work due to safety concerns.
- The Supervisor/Manager will make a note of the refusal, including the date, time, and reason for refusal.

1. **Initial Investigation:**

- The Supervisor/Manager will promptly investigate the concern in the presence of the employee and a designated worker representative (e.g., a Joint Health and Safety Committee member, if applicable).
- If the issue can be resolved and the Supervisor/Manager determines the work is safe, the employee may be asked to resume work.

1. **Escalation:**

- If the employee still believes the work is dangerous after the initial investigation, they must inform the Supervisor/Manager of their continued refusal.
- At this stage, the Supervisor/Manager must notify [HR Department/Senior Management] and, if required by legislation, a government health and safety inspector or equivalent authority to conduct an external investigation.

1. **Temporary Reassignment:**

- The Company may assign the refusing employee to alternative work at no loss in wages or benefits while the investigation is ongoing.
- The refused work may be assigned to another employee only if that employee is informed of the safety concern and voluntarily agrees to perform the work, where permitted by law.

JOB PROTECTION

1. **Reinstatement**: Employees who refuse dangerous work in good faith are protected from reprisal. They must not be disciplined, penalized, terminated, or otherwise disadvantaged for exercising their right to refuse.
2. **Protection from Discipline**: Any employee or supervisor who subjects a worker to retaliation for refusing dangerous work will be subject to disciplinary action, up to and including termination.

CONTINUATION OF PAY & BENEFITS

- In most jurisdictions, employees exercising a refusal of dangerous work in good faith are entitled to continue receiving their regular wages and benefits for the time spent investigating the refusal, as required by applicable legislation.
- If an external government inspector deems the work safe and lawful, and the employee persists in refusing, the Company may address this situation under normal disciplinary processes, provided it does not conflict with local legislation.

RETURN TO WORK

1. **Resolution of Hazard:** Once an investigation concludes that the work can be done safely or necessary corrective measures have been taken, the employee may be directed to resume the work.

2. **Accommodation**: If the employee requires additional adjustments due to underlying health or safety needs (e.g., modified duties), the Company will consider reasonable accommodations, in line with human rights legislation.

CONFIDENTIALITY

All information related to a refusal of dangerous work will be treated as confidential, disclosed only to the extent necessary to investigate and resolve the concern or as required by law.

NON-RETALIATION

The Company strictly prohibits retaliation against any employee who, in good faith, refuses dangerous work. An employee's job status, benefits, or future opportunities with the Company will not be jeopardized because they exercised their legal right to refuse unsafe work.

POLICY ADMINISTRATION

The [HR Department/Designated Manager/Safety Officer] is responsible for:
• Administering this Policy consistently.
• Staying informed about legislative changes and updating the Policy accordingly.
• Handling questions about safety concerns, investigating reports, and overseeing compliance.

[Company Name]
Effective Date: [Insert Date]
Authorized by: [Name, Title]
Date: [Signature Date]

How to Use This Template

1. **Adapt and Customize:** Tailor the policy language to your organization's specific safety procedures and ensure compliance with local occupational health and safety legislation.
2. **Review with Legal Counsel:** Verify that the policy aligns with relevant laws in your province/territory or at the federal level, including obligations for investigating unsafe work and non-retaliation.
3. **Communicate to Employees:** Make the policy readily available (e.g., safety manual, intranet) and ensure all employees, supervisors, and managers understand the right to refuse dangerous work and the proper reporting procedures

Table of Jurisdictional Differences

Occupational health and safety legislation across Canada typically provides a right to refuse unsafe work, but exact procedures and obligations can vary by jurisdiction. Always consult the most recent provincial, territorial, or federal legislation.