

TITLE

DANGEROUS WORK REFUSALSCOPE

Provincial

DOCUMENT

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NOTE: The first appearance of terms in bold in the body of this document (except titles) are defined terms – please refer to the Definitions section.

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OBJECTIVES

- To ensure the health and safety of Alberta Health Services (**AHS**) **workers** and others at AHS workplaces and facilities.
- To outline responsibilities and a standardized method for notification, reporting, **investigation**, and resolution of dangerous **work refusal** situations.
- To ensure the right to refuse **dangerous work** processes within AHS complies with the right to refuse dangerous work provisions of *the Occupational Health and Safety Act [OHS Act]* (Alberta).
- To outline the required responsibilities in response to a dangerous work refusal.

PRINCIPLES

AHS is committed to providing a safe, healthy and inclusive working environment for all **workers**. Workers have the right and responsibility to report all unsafe conditions and/or behaviours. Workers also have the right and responsibility to refuse any work they believe, on reasonable grounds, to be dangerous to themselves or any other person.

As per legislated requirements all dangerous work refusals reported must be investigated by the **manager** or **supervisor** and documented through the *Incident Management Process* and documented in MySafetyNet.

APPLICABILITY

Compliance with this document is required by all Alberta Health Services employees, members of the medical and midwifery staffs, Students, Volunteers, and other persons acting on behalf of Alberta Health Services (including contracted service providers as necessary).

ELEMENTS

1. Refusing Work

- 1.1 A worker may refuse work or to do particular work if the worker believes on reasonable grounds that there is a dangerous condition or that the work constitutes a danger to the worker's health and safety or to the health and safety of another worker or another person.
- 1.2 The worker, who refuses to work or to do particular work, shall immediately report the work refusal and the reason(s) for the refusal to their manager, next level of manager, supervisor, or another person designated by the supervisor at the worksite.
- 1.3 The worker and the manager or supervisor shall prevent others from being exposed to the dangerous condition by securing the area and/or equipment.
- 1.4 AHS workers shall submit a report in MySafetyNet once the manager or supervisor has been notified. If the AHS worker is unable to do so, it is the responsibility of the manager or supervisor to ensure a report is submitted on behalf of the AHS worker. An email notification is then sent to Workplace Health & Safety (WHS) as well as the worker's manager or supervisor so they can document the investigation findings and corrective actions. Submission of this report should not impede the progression of the dangerous work refusal process.

2. Remediating the Dangerous Condition and Inspections

- 2.1 The manager or supervisor must attempt to remedy or control the dangerous condition immediately, if possible and ensuring that the attempt to remedy or control the dangerous condition does not create a danger to the health and safety of themselves, any worker, or any other person.
- 2.2 If the manager or supervisor remedies the situation immediately, and the worker is satisfied that the dangerous condition no longer exists, then the worker may return to work.
- 2.3 If the manager or supervisor is unable to remedy the dangerous condition immediately, the manager or supervisor shall **inspect** the dangerous condition in the presence of the worker, when it is reasonably practicable to do so and when the presence of the worker does not create a danger to the health and safety of that worker or any other person. In addition to the worker, one of the following persons is entitled to attend the inspection:

- a) a Joint Workplace Health & Safety Committee (JWHSC) worker co-chair or a committee member who represents workers;
 - b) a health & safety representative; or
 - c) if there is no committee or representative, or where no committee member or representative is available, another worker selected by the worker refusing the work.
- 2.4 Other stakeholders such as subject matter experts may be invited to participate in the inspection.
- 2.5 The dangerous work refusal process is also outlined in the *Dangerous Work Refusal Flowchart for Workers* and the *Dangerous Work Refusal Flowchart for Managers & Supervisors* (the Flowcharts). The *Dangerous Work Refusal Worksheet* attached to *Dangerous Work Refusal Flowchart for Managers & Supervisors* is an additional resource that can be used by the manager, supervisor, or other designated person conducting the initial inspection. The purpose of this worksheet is to help gather information at the scene of a dangerous condition. All data collected on this worksheet should be transferred into MySafetyNet (a copy can be attached to the investigation in MySafetyNet for documentation purposes).
- 2.6 The manager or supervisor shall review the Hazard *Identification, Assessment and Control Process* (HIAC) for the work being refused to determine if it has been documented, along with all the related hazards and controls.
- a) If the hazard related to the work refusal has been identified on the HIAC, and the AHS worker feels the controls are inadequate, the manager or supervisor should continue with the dangerous work refusal and review the HIAC with the AHS worker to determine if alternate controls are required.
 - b) If the work is not identified on the HIAC, the process of work refusal should continue as outlined below and the HIAC should be updated with the new hazard(s) identified and the appropriate controls.
- 3. Continued Work Refusal and Assigning Work to Another AHS Worker**
- 3.1 Until the dangerous condition is remedied, the AHS worker who reported the dangerous condition may continue to refuse the dangerous task and/or to do other work that is related to the dangerous condition. The AHS worker may be assigned to a different task/work unrelated to the dangerous condition until appropriate corrective actions are in place. The reassignment in work/task cannot be a disciplinary action for the purposes of a dangerous work refusal. The AHS worker is entitled to the same wages and benefits during a temporary assignment.

- 3.2 The work may be assigned to another AHS worker if the manager or supervisor has determined that the work does not constitute a danger to the health and safety of any person or that a dangerous condition does not exist.
- 3.3 If assigning the work to another AHS worker, the manager or supervisor shall ensure the following:
- a) the AHS worker to be assigned is **competent**, trained and/or under adequate supervision, and will not be exposed to the dangerous condition; and
 - b) the dangerous condition has been remedied for the new AHS worker.
- 3.4 If the work is assigned to another AHS worker, the manager or supervisor shall advise the AHS worker verbally and in writing, of:
- a) the first AHS worker's refusal;
 - b) the reason for the refusal;
 - c) the reason why the manager or supervisor deems the work not to be dangerous to the health and safety of the worker or any other person or a dangerous condition is not present; and
 - d) the AHS worker's right to also refuse dangerous work.
- 3.5 The manager or supervisor shall complete an *Alternate Worker Report* in MySafetyNet to provide to the new AHS worker. This can be provided to the new AHS worker in an email. If the manager or supervisor provides this information in any other documented form, they shall attach it as a document in MySafetyNet as part of the investigation process and then complete the *Alternate Worker Report* in the system.

4. Inspection Follow-Up

- 4.1 Every reasonable effort shall be made to resolve any dangerous work condition that may exist as soon as reasonably practicable, however, if the dangerous condition is not remedied after the first inspection (as outlined in Section 2.3 above), the AHS worker who refused the work or any person present during the inspection may file a complaint with an Alberta Occupational Health and Safety (OHS) Officer. The AHS worker may contact the OHS Officer at any point during the investigation.
- 4.2 Upon completing each inspection, the manager or supervisor shall record and track all corrective actions and information related to the work refusal in MySafetyNet. A copy of the MySafetyNet report called the *Dangerous Work Summary Report*, which outlines the details of the work refusal, the inspection, and corrective actions taken, if any, shall be provided to:

- a) the AHS worker who refused the work, and reviewed by/with the manager or supervisor;
 - b) the JWHSC, if one exists; and
 - c) the health & safety representative, if one exists.
- 4.3 The report shall not contain any personal information related to the worker who refused the work.
- 4.4 The AHS worker may return to the work once the dangerous condition is remedied, all parties are satisfied with the corrective actions in place, and the AHS worker has received a copy of the dangerous work inspection.
- 4.5 The manager or supervisor and the AHS worker shall review and update the department HIACs to ensure all, if any, corrective actions and controls have been updated on the document.

5. Worker Responsibilities

- 5.1 All workers, under the *OHS Act* (Alberta), have the right and responsibility to report all unsafe conditions and/or behaviours, and to refuse to carry out any work and/or use of equipment that the worker believes is a dangerous condition or that the work constitutes a danger to the worker's or another person's health and safety.
- 5.2 Compliance with the dangerous work refusal process is a shared responsibility between AHS management and all AHS workers. AHS workers have a duty to:
- a) possess an awareness and understanding of this Standard;
 - b) provide immediate notification of the dangerous condition to their manager or supervisor and report all work refusals in accordance with this Standard;
 - c) ensure all required documentation is completed as outlined in this Standard;
 - d) follow up to ensure corrective actions are complete;
 - e) participate and cooperate in dangerous work refusal process, awareness sessions, and any additional related training as required;
 - f) participate and cooperate in resolving dangerous work refusals as required; and
 - g) treat all dangerous work refusal data as confidential when applicable, as outlined in the legislation.

6. Manager and Supervisor Responsibilities

6.1 All managers and supervisors have the duty to:

- a) ensure all AHS workers are aware and understand their responsibilities within the dangerous work refusal process;
- b) ensure all incidents of dangerous work refusals are reported in MySafetyNet and investigated in accordance with this Standard;
 - (i) if there is more than one dangerous work refusal for the same situation it can be handled as a group investigation as it better reflects the situation at hand and consolidates the documentation into one report. However, if the individuals are impacted differently in the same situation the work refusals can be captured independent of each other if required.
- c) prepare and implement corrective action(s) based on the investigation and recommended action(s);
- d) ensure effective controls remedy the dangerous condition;
- e) update department HIACs with the AHS worker to include any hazards and controls that should be in place, and ensure the HIAC is readily accessible for AHS workers to review;
- f) complete the *Alternate Worker Report* in MySafetyNet when necessary;
 - (i) For guidance refer to the document entitled *How to Print and Save Incident Reports in MySafetyNet* on Insite;
- g) work with your WHS Advisor to provide a copy of the *Dangerous Work Summary Report* from MySafetyNet to the AHS worker who refused the work, the JWHSC, if there is one, or the health & safety representative, if there is one.
- h) providing the AHS worker with a copy of the MySafetyNet investigation, if requested;
 - (i) the report can be sent in MySafetyNet by going under the Actions tab on the incident page, or you can sent as a General Email from the Actions tab. The General Email has a read only link in it, but does contain the name and information of the AHS worker who is refusing work. Ensure it is being provided to the appropriate person. Instructions on how to print an incident investigation from MySafetyNet can be found on the MySafetyNet Insite page, underneath Manager Resources.

- i) communicate the findings and corrective actions of the dangerous work refusal to involved workers;
- j) if unable to resolve the dangerous condition, escalate involvement to the next level of management;
- k) participate in *Leading Health and Safety in the Workplace: Fundamentals* Training and any additional related training and awareness sessions as required; and
- l) ensure compliance with this process and Standard.

7. Workplace Health and Safety Responsibilities

7.1 Workplace Health and Safety (WHS) has the responsibility to:

- a) implement and support this Standard and supporting documents to ensure compliance with all applicable legislation, regulations and organizational practices and policies;
- b) train/educate/coach managers in the use of the dangerous work refusal process and resources as needed;
- c) assist in the investigations and resolutions as necessary; and
- d) develop, maintain and assist in the delivery of the right to refuse dangerous work process and awareness tools.

8. Training

- 8.1 All AHS workers shall receive dangerous work refusal training and awareness during New Employee Orientation (NEO), the New Employee Passport training, and Annual Continuing Education training.
- 8.2 In addition, it is recommended that AHS workers complete the *Right to Refuse Dangerous Work Training* module on MyLearningLink.
- 8.3 Training related to the dangerous work refusal process for supervisors or managers is accomplished with the required completion of *Leading Health and Safety in the Workplace: Fundamentals*.
- 8.4 *Dangerous Work Refusal Awareness Briefing* and a *Dangerous Work Refusal Worker Safety Moment* are an additional resources available on Insite for managers, supervisors, and AHS workers to review at any time. These resources are provided as review to the dangerous work refusal process and are not considered dangerous work refusal training.

9. Records Retention

- 9.1 A copy of the Dangerous Work Refusal investigation shall be kept in MySafetyNet. WHS also has direct access to MySafetyNet investigations and reports.
- 9.2 Reports and investigations shall be kept as required by the *Records Retention Schedule*.

DEFINITIONS

AHS worker means AHS employees, members of the medical and midwifery staffs, students, and volunteers, but excludes contracted service providers.

Competent means adequately qualified, suitably trained with sufficient experience to safely perform work without supervision or with only a minimal degree of supervision.

Dangerous work means, as outlined in Part 4 of the Alberta *Occupational Health & Safety (OHS) Act*, as a worker who believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety or to the health and safety of another worker or another person. This may include:

- hazards that pose a danger to workers where the hazard has not been assessed and appropriate controls implemented;
- the operation of faulty or broken equipment;
- a situation for which workers are not properly trained, equipped or experienced to work safely (e.g., being asked to complete a task or operate a piece of equipment without training or without necessary personal protective equipment); or
- where the hazard control normally in place for a danger is no longer available or adequate.

Inspection (or inspect) means an organized review of a workplace, piece of equipment and/or work process. The purpose is to help identify and control any existing and potential hazards and provide recommended actions.

Investigation means the analysis of an incident with the intent to establish direct causes, root causes and management system factors for the purpose of determining corrective actions and their implementation to prevent recurrence.

Manager means the individual(s) who has the delegated human resource authority for directly planning, monitoring, and supervising direct reports.

Supervisor means a person, whether unionized or non-unionized, who has charge of a work site or authority over an AHS worker

Worker means AHS employees, members of the medical and midwifery staffs, students, volunteers, and workers of contracted service providers.

Work refusal means a worker refusing to work, or to do particular work at a work site, if the worker believes, on reasonable grounds, that there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety or to the health and safety of another worker or another person.

REFERENCES

- Alberta Health Services Governance Documents:
 - *Workplace Health and Safety Policy (#1121)*
- Alberta Health Services Resources:
 - *Dangerous Work Refusal Flowchart for Managers & Supervisor*
 - *Dangerous Work Refusal Flowchart for Workers*
 - *Hazard Identification, Assessment and Control Process (HIAC)*
 - *How to Print and Save Incident Reports in MySafetyNet*
 - *Records Retention Schedule*
 - Workplace Health and Safety Corrective Action Process
 - Workplace Health and Safety Management System
- Non-Alberta Health Services Documents:
 - *Occupational Health and Safety Act, Regulation and Code (Alberta)*

VERSION HISTORY

Date	Action Taken
Click here to enter a date	Optional: Choose an item