

Right to Refuse Unsafe Work Policy

1.0 Policy Statement

The City of Mount Pearl is committed to the health and safety of its employees. City employees have the right to refuse unsafe work and are protected from reprisal for exercising this right. The City shall ensure that all employees understand and can exercise their Right to Refuse Unsafe Work.

2.0 Background

This policy conforms with the *Occupational Health and Safety Act* and any other relevant laws, rules and legislation. According to *Section 45* of the *NL Occupational Health and Safety Act*, an employee has the right to refuse any work that the worker has reasonable grounds to believe is dangerous to his or her health and safety or to the health and safety of another person at the workplace.

Asking an employee to work in a situation where there is a danger to the health and safety is against provincial labour laws. Work involving health and safety hazards that are not normal for the job is considered as dangerous condition that could trigger a work refusal.

3.0 Purpose

To ensure that employees' right to refuse unsafe work is protected, and to make sure that employees are aware of their rights to a safe workplace.

4.0 Scope

This policy applies to all City employees, students, volunteers and or contractors, sub-contractors who work for the City.

5.0 Guiding Principles

A. Right to Know

Employees have the right to know about any health and safety hazards present at the workplace. The employee also has the responsibility under the Provincial *Occupational Health and Safety Act* to do everything possible to protect themselves and fellow employees. Knowing requires active participation in the City's safety program.

B. Right to Refuse

The Provincial *Occupational Health and Safety Act* gives employees the right to refuse work they believe to be unsafe. Employees not only have the right to refuse to perform unsafe work, they have the responsibility to do so. Every City employee is responsible to identify and report hazards in the workplace. If a hazard is of a serious nature and could cause an accident, then work must stop until the hazard has been eliminated, controlled, or some sort of personal protection is in place. If an employee ignores or fails to report a known hazard, then a safety violation has occurred, and disciplinary action shall be taken up to and including termination.

C. Right to Participate

Employees have the right to participate in the Occupational Health and Safety Program (i.e., hazards assessment, inspections, OH&S Committee). The OH&S Committee participates in workplace inspections, accident investigations, promotes health and safety in the workplace, receives complaints from co-workers regarding health and safety issues in the workplace and cooperates with management to resolve those health and safety issues in the workplace.

6.0 Procedure

The *NL Occupational Health and Safety Act* outlines the procedure for employees to exercise the right to refuse to do work if the employee has reasonable grounds to believe is dangerous to his or her health and safety, and/or the health and safety of another person at the workplace.

The City's Right to Refuse Unsafe Work Procedure abides by the specifications of the *NL Occupational Health and Safety Act*, as well as other regulatory legislative requirements. The right to refuse dangerous work should not be abused.

Employee's Rights

Employees wishing to exercise their right to refuse unsafe work shall follow the following procedure:

1. Report the hazard to the immediate supervisor and declare that work is unsafe. Work with the immediate supervisor to correct the problem. If the matter is resolved to the employee's satisfaction, the employee shall return to work.
2. If the matter is not resolved to the employee's satisfaction, that job may be assigned to another employee, only if such employee is told:
 - a. That another employee has refused to do the job.
 - b. Why that employee has refused to do the job.
 - c. That he/she **also has the right to refuse.**
3. If the matter is not resolved, the Occupational Health and Safety Committee or the Occupational Health and Safety Officer will investigate and provide input to resolve the situation.
 - a. If the matter gets resolved the employee goes back to work.

- b. If at this point it is not resolved to the employee satisfaction, the OHS Officer will refer the case to the provincial government OHS Officer.

7.0 Roles and Responsibilities

Employees

City of Mount Pearl employees are responsible for:

- Do everything possible to protect themselves and fellow employees from occupational health and safety hazards.
- Report unsafe hazards to management and or the Occupational Health and Safety Committee.
- Exercise their right to refuse unsafe work until occupational health and safety issues are resolved to the employee's satisfaction.
- Familiarize themselves with the Right to Refuse Unsafe Work Policy and legislative requirements and know their rights under such provisions.

Occupational Health and Safety Officer

The City of Mount Pearl Occupational Health and Safety Officer is responsible to:

- Promote a work culture where Occupational Health and Safety is at the forefront.
- Participate in workplace inspections.
- Receive complaints from employees regarding health and safety issues in the workplace and cooperate with management to resolve those health and safety issues.
- Monitor the City of Mount Pearl workplace to identify existing and/or potential health and safety hazards.

Management

City of Mount Pearl Management is responsible to:

- Promote a work culture where Occupational Health and Safety is at the forefront.
- Inform employees of the Right to Refuse Unsafe Work Policy and abide by such provisions.
- Upon notification of work refusal due to unsafe work, abide by the correct procedures and guiding principles outlined in this policy.
- Work with employees, the Occupational Health and Safety Committee and or Occupational Health and Safety Officer to eliminate occupational health and safety hazards in the workplace.

Occupational Health and Safety Committee

The City's Occupational Health and Safety Committee is responsible for:

- Promoting health and safety in the workplace.
- Performing workplace inspections regularly.
- Providing recommendations to employees and management for best health and safety practices.

8.0 Approvals



Steve Kent, Chief Administrative Officer

November 20, 2018

Date