

## WORK REFUSAL PROCEDURE

### 1. Purpose of procedure

Under the Occupational Health and Safety Act, Sections 13(1)(a), 17(2), 28(2)(e), the Violence in the Workplace Regulations Sections 5(1), 7(1), and the First Aid Regulations Sections 5(1), and 18(1) workers have the right to refuse work they reasonably believe to be dangerous to themselves or others so long as the danger isn't an inherent part of the job and the refusal doesn't endanger any other person. The purpose of this document is to set forth the procedures [FARM NAME] will use to address and resolve work refusals in a fair, fast and effective manner in collaboration with workers, supervisors and the [FARM NAME] Safety Coordinator.

### 2. When workers may refuse work

A worker may refuse to do particular work where the worker has reason to believe that:

- a. Any equipment, machine, device or thing the worker is to use or operate is likely to endanger the worker or another worker;
- b. The physical condition of the workplace or a part of it in which the worker works or is to work is likely to endanger the worker;
- c. Workplace violence or harassment is likely to endanger himself or herself; or
- d. Any equipment, machine, device or thing the worker is to operate, use, or the physical condition of the workplace or part of the workplace in which he or she works or is to work is in violation of OHS laws and the violation is likely to endanger himself/herself or another worker.

### 3. When workers may not refuse work

The right to refuse dangerous work does not apply to a worker when the circumstances are inherent in the worker's work or a normal condition of the worker's employment, or when the worker's refusal to work would directly endanger the life, health or safety of another person.

### 4. Notifying supervisor of refusal

Work refusals must be carried out in accordance with appropriate procedures. Workers refusing to work must promptly notify their supervisor that they are engaging in a work refusal and report the circumstances of the refusal, including why they consider the work dangerous, by completing Section I of the Work Refusal Form.

### 5. Notification of Supervisor or Safety Coordinator

Supervisor of the refusing worker will notify the [FARM NAME] Safety Coordinator of the refusal and the worker's reasons for engaging in it.

### 6. Investigation of refusal

The safety coordinator and supervisor will conduct an immediate investigation. The first step will be to verify that a refusal has taken place and determine the reasons for the refusal by having the supervisor interview the worker and completing Section II of the Work Refusal Form.

**Worker to remain in safe place nearby**

DISCLAIMER: This policy sheet example is provided by Farm Safety Nova Scotia as a general overview for information purposes only. Farmers are responsible for modifying the example to suit each individual farm. Refer to section 5:1 of Farm Safety Nova Scotia's "A Guide to Your Farm Safety Plan".

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During a refusal, the refusing worker must remain at the workplace in a safe place as near as reasonably possible to his or her work area so that he or she will be available to help with the investigation unless the supervisor advises otherwise. The worker is entitled to be paid for the time spent refusing and the supervisor may assign alternate duties to the worker until the work refusal is resolved.

## **7. Resolution of refusal**

- a. Finding that Unsafe Condition Exists: If the investigation team agrees that an unsafe condition exists, steps will be taken to resolve the problem. Once such steps have been taken and verified as being effective, the supervisor will notify the worker that the problem has been corrected and that it's safe to return to work.
- b. Finding that No Unsafe Condition Exists: If the investigation team agrees that no unsafe condition exists, the supervisor will notify the worker that there is no danger and that it's safe to return to work.
- c. Disagreement: In the event that: 1. the investigation team cannot reach consensus on whether an unsafe condition exists; or 2. The worker disagrees that it's safe to return to work because he or she believes that: (a) the steps taken to correct the unsafe condition are effective; or (b) the investigation team was wrong to find that no unsafe condition exists, the worker will notify the investigation team that he or she is continuing to refuse work.

## **8. Continuation of refusal**

If the worker continues to refuse, [FARM NAME] shall notify the Department of Labour and Advanced Education of the refusal for further investigation.

While a Department of Labour and Advanced Education official investigates, the refusing worker must remain at the workplace in a safe place as near as reasonably possible to his or her workstation so that he or she will be available to help with the investigation unless the supervisor advises otherwise. The worker is entitled to be paid for time during the refusal and the supervisor may assign alternate duties to the worker until the work refusal is resolved.

## **9. Resolution by Labour and Advanced Education**

A Department of Labour and Advanced Education official will issue a written decision to [FARM NAME] resolve the refusal. Any orders issued by the official will be posted in the workplace and distributed as required by the OHS Act.

## **10. No reprisals for refusing work**

No reprisals of any kind will be taken against any worker for exercising their right to refuse work. OHS law but also violations of [FARM NAME] commitment to provide all workers a safe and healthy place to work do not only prohibit such reprisals.