



Saskatchewan Health Authority

Policy

Saskatoon & Area - Occupational Health & Safety

Number: 40-004

Title: General Policy: Refusal to Work

Saskatchewan Employment Act: 3-1 (1)(i), 3-31 to 3-37

OHS Regulation:

Date: January 1, 2017

Date Revised/Reaffirmed: November 15, 2021

Any PRINTED version of this document is only accurate up to the date of printing. Saskatchewan Health Authority (SHA), Occupational Health & Safety Services (OHS) cannot guarantee the currency or accuracy of any printed policy. Always refer to the Occupational Health & Safety internal website for the most current versions of documents in effect. This policy complies with legislation (minimum standards) at the time of this writing and/or revision. SHA OHS accepts no responsibility for use of this material by any person or organization not associated with SHA. No part of this document may be reproduced in any form for publication without permission of SHA OHS Services.

Purpose

To provide information regarding a worker's right to refuse work that they believe is unusually dangerous and to ensure the legislated process for refusal to work is followed.

Definition

- **Refusal to Work legislation states** a worker may refuse to perform any particular act or series of acts at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at a place of employment. The right to refuse is an individual right. If more than one worker wishes to refuse the same work, they may do this as individuals but not as a group.
- **Reasonable grounds** is determined by considering: Would an average worker, with the same level of training and experience, using normal and honest judgment, agree that the work presented an unacceptable hazard?
- **Unusually dangerous** means if one or more of the following criteria are met:
 - a danger that is not normal for the job
 - a danger that would normally stop work
 - a situation for which the worker isn't properly trained, equipped or experienced
- **Discriminatory action** means any action or threat of action by an employer that does or would adversely affect a worker with respect to any terms or conditions of employment or opportunity for promotion

Roles and Responsibilities

Employer must ensure:

- All workers are informed they have the right to refuse work they believe is unusually dangerous
- The legislated process is followed until sufficient steps have been taken to satisfy the worker that the task is no longer unusually dangerous, the occupational health committee has investigated the matter and advised the worker otherwise, or the occupational health officer has investigated and made a determination.
- No discriminatory action is taken against a worker who initiates a refusal to work
- They contact the SK LRWS Occupational Health Officer (OHO) at any time during the process if they require assistance

Manager/Supervisor must ensure:

- They inform the worker of the process
- They inform the worker they have the right to contact the SHA Occupational Health and Safety Services or the SK LRWS OHO at any time during the process for help and advice
- They work with the worker, co-chairs, Occupational Health Committee (OHC), and the OHO as required to resolve the concern
- The legislated process is followed until sufficient steps have been taken to satisfy the worker that the task is no longer unusually dangerous, the OHC has investigated the matter and advised the worker otherwise or the OHO has investigated and made a determination

Worker must ensure:

- They report any refusal to work to their manager/supervisor and the Safety Alert System/Incident Report Line
- They follow the legislated process
- They remain at the workplace unless the employer advises otherwise
- They work with manager/supervisor, the OHC and the OHO as required to resolve the concern
- They contact the SHA Occupational Health and Safety Services or the SK LRWS OHO if they believe the employer has taken discriminatory action against them as a result of their refusal to work

Non-Compliance/Breach:

Non-compliance with this policy will result in a review of the incident. A review for non-compliance may result in disciplinary action, up to and including termination of employment or privileges; fines and /or prosecution of individuals under the Saskatchewan Employment Act and OHS Regulations.

Review Dates:

January 1, 2017

April 3, 2018

November 15, 2021