
Right to Refuse Unsafe Work Procedure

1.0 Policy Purpose & Scope

This policy establishes the formal procedure for all workers, including full-time staff, part-time employees, contractors, and temporary workers, to exercise their legislated right to refuse work they have reasonable cause to believe is unsafe. The purpose is to ensure that no worker is required to perform work that poses an undue risk to their health or safety, or that of others, and to provide a clear, non-punitive process for reporting, investigating, and resolving such refusals. This policy applies to all operations, sites, and activities under the control of the organization.

2.0 Regulatory Context & Compliance

This policy is driven by the following legislation and regulatory requirements:

- Workers Compensation Act (WCA), Part 3, Division 3: Right to Refuse Unsafe Work (Sections 3.12 to 3.14)
- WorkSafeBC Occupational Health and Safety Regulation (OHSR), Part 3: Rights and Responsibilities (Sections 3.12 to 3.14)
- Canada Labour Code, Part II, Division

VII: Right to Refuse Dangerous Work (for federally regulated operations)

- Applicable provincial OHS legislation in other jurisdictions where the organization operates
- The organization's internal responsibility system and commitment to a safe workplace

3.0 Roles & Responsibilities

Employer/Management:

- Ensure that all workers are informed of their right to refuse unsafe work and the procedure to follow.
- Provide a safe work environment and ensure that no worker is disciplined, dismissed, or penalized for exercising their right to refuse unsafe work in good faith.
- Promptly investigate all work refusals with the worker and a worker representative (e.g., Joint Health and Safety Committee member or union representative).
- Take corrective action to eliminate or control the identified hazard before requiring the worker to resume work.
- Document all refusals, investigations, and resolutions.

Supervisors: - Immediately respond to a worker's report of unsafe work.

- Investigate the refusal in consultation with the worker and a worker representative.
- Temporarily assign the worker to alternative safe work if available, or allow the worker to remain in a safe location during the investigation.
- Ensure no other worker is assigned to the same task until the hazard is resolved.

- Report the refusal to management and the Joint Health and Safety Committee.

Workers: - Immediately report to their supervisor any work they believe is unsafe, stating the specific hazard or condition.

- Remain at the workplace in a safe location unless directed otherwise by the supervisor.

- Cooperate fully in the investigation of the refusal.

- Not be assigned to other work that is also unsafe or that they are not trained to perform.

- Not be subject to any form of retaliation for exercising this right in good faith.

4.0 Program Execution & Procedures

Step 1: Worker identifies a task or condition they believe is unsafe and immediately notifies their supervisor. The worker must not perform the work.

Step 2: The supervisor investigates the refusal with the worker and a worker representative (JHSC member or union rep).

The investigation includes: - Interviewing the worker and any witnesses.

- Inspecting the work area, equipment, and procedures.

- Reviewing relevant safety data sheets, risk assessments, and safe work procedures.

- Determining if the hazard exists and if it poses an undue risk.

Step 3: If the supervisor determines the work is safe, they must explain the findings to the worker. If the worker still believes the work is unsafe, the refusal escalates to a second investigation by a management representative and a worker representative, who may call in a WorkSafeBC officer if necessary.

Step 4: If the hazard is confirmed, the employer must implement corrective actions (e.g., engineering controls, administrative controls, PPE) before the worker resumes the task. The worker is not required to perform the work until the hazard is resolved.

Step 5: If the worker continues to refuse after the second investigation, the employer must notify WorkSafeBC. A WorkSafeBC officer will conduct an independent investigation and issue a binding decision.

Step 6: All refusals are documented in the organization's incident management system, including the date, time, location, worker name, hazard description, investigation findings, corrective actions, and resolution. The JHSC is notified of all refusals.

5.0 Review & Recordkeeping

Records of all work refusals, investigations, and resolutions must be retained for a minimum of three

(3) years from the date of the refusal. These records are maintained by the Safety Department and are accessible to the Joint Health and Safety Committee, management, and regulatory authorities upon request.

This policy shall be reviewed annually by the Joint Health and Safety Committee and updated as necessary to reflect changes in legislation, organizational structure, or operational risks. The review shall include an analysis of refusal trends to identify systemic hazards and improve preventive measures.

Regulatory Disclaimer: This policy is a generic organizational template. The end-user assumes all liability for reviewing and adapting these protocols to meet specific provincial regulations (e.g., WorkSafeBC, OHSA) and corporate requirements prior to formal implementation.