



Vancouver Island West School District 84
OCCUPATIONAL HEALTH & SAFETY PROGRAM

SECTION R
REFUSAL OF UNSAFE WORK

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SECTION R

REFUSAL OF UNSAFE WORK

INTRODUCTION

If an employee of Vancouver Island West School District 84 has reasonable cause to believe that a work process or use of specific tool(s) would create an undue hazard to the health or safety of him/herself, or any other person, that employee must refuse to do the work process or operate the tool(s).

PROCEDURE FOR REFUSAL

1. The employee must immediately report the unsafe situation to his/her Supervisor.
2. The Supervisor must immediately conduct an investigation and determine if the situation is unsafe.
3. If determined unsafe, then the Supervisor must immediately remedy the situation using whatever process is required to do so. If the Supervisor's investigation determines that the situation is safe, then he/she is to inform the employee.
4. If the employee still feels unsafe and refuses to do the work, then another investigation must take place in the company of the employee and his/her Union rep, or the OH&S rep or any other available worker chosen by the employee.
5. If the second investigation does not resolve the matter, then both the employee and the Supervisor will contact a WSBC Officer to investigate the matter and issue whatever orders would be deemed necessary.

The WSBC Officer would apply an objective test to determine whether the employee has reasonable cause to believe that continuing working would create an undue hazard to the employee or to others. This test is described as follows:

Whether the average employee at the workplace, having regard to his/her general training and experience, would, exercising normal and honest judgment, have reason to believe that the circumstances presented an unacceptable degree of hazard.

In applying this test, the employee does not have to be correct about whether or not the situation was unsafe; rather, the test is one of reasonable belief on the part of the employee. Also, the physical condition of the particular employee is a relevant consideration in reaching the objective assessment as to whether the employee had reasonable cause to believe that to continue working would cause an undue hazard for him/herself.

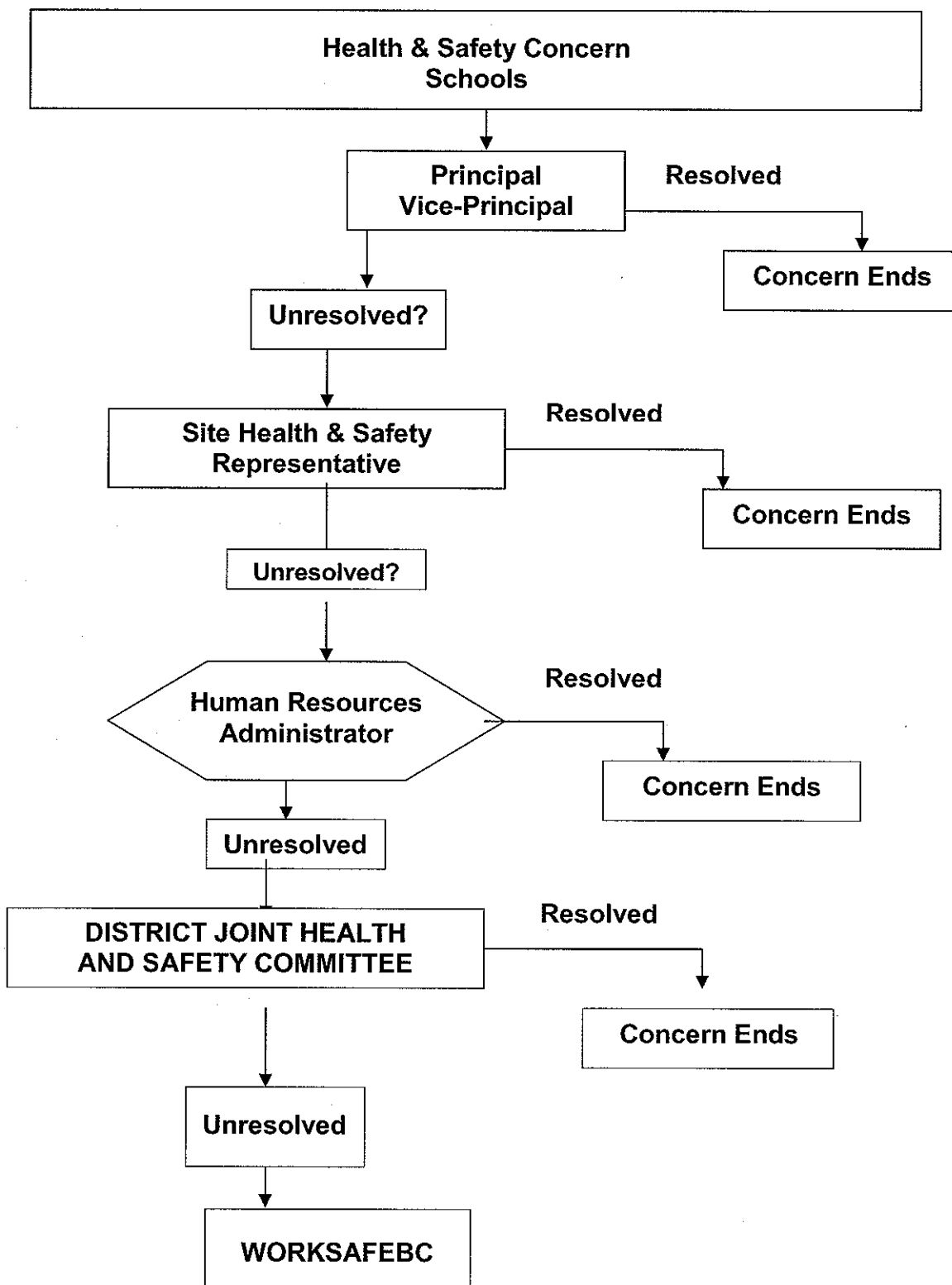
Note: A copy of each investigation report is to be kept on file in the worksite and a copy sent to the Human Resources Administrator.

NO DISCRIMINATORY ACTION

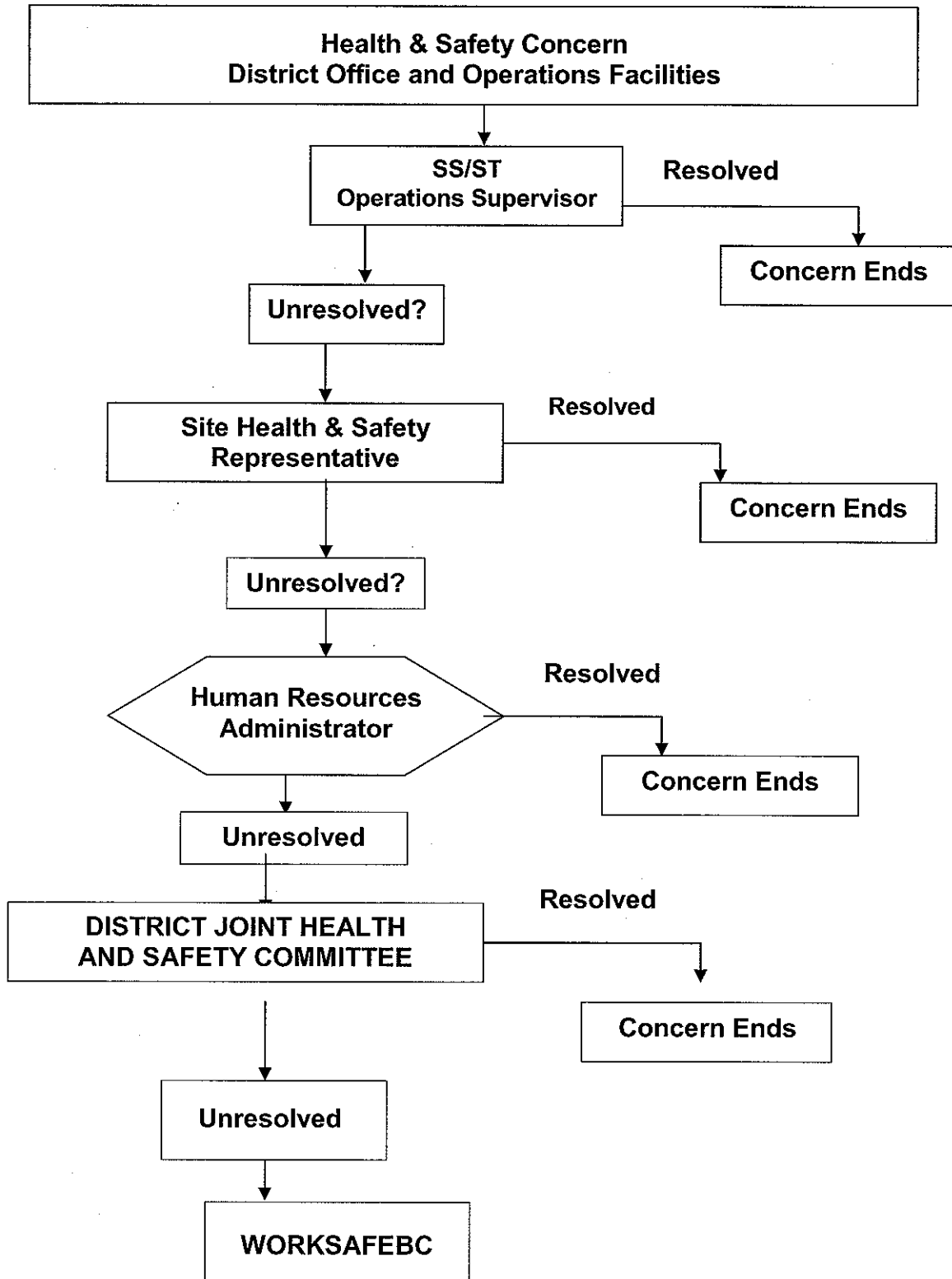
The employee cannot be disciplined in a situation where, though no undue hazard was ultimately found to exist, the employee had reasonable cause to believe it did exist. However, if the investigation process concludes that there was no undue hazard and the employee had no reasonable cause to believe there was such a hazard, then the employee could be subject to discipline.

It is also noted that placing the employee in a temporary assignment until the situation is resolved would not constitute discipline, as long as there was no loss in pay to the employee.

RIGHT TO REFUSE UNSAFE WORK



RIGHT TO REFUSE UNSAFE WORK





REFUSAL OF UNSAFE WORK
INVESTIGATION REPORT

NOTE: If additional space is required, please use a separate sheet and attach to this report.

Name of Employee(s) Refusing Unsafe Work: _____

Worksite and Location of Unsafe Work: _____

Date/Time of Refusal: _____ Date of Investigation: _____

Details of Unsafe Work as Reported by Employee: _____

Witnesses:

Last Name	First Name	Address	Telephone

Was situation determined to be unsafe? Yes / No Was employee informed of decision? Yes / No

If unsafe, what was the remedy? _____

Did the remedy result in the employee feeling safe and able to do the work? Yes / No

If NO, then a second investigation must be conducted in the company of the employee and rep, and another report completed. If still not resolved, a WSBC Officer is to be contacted.

Persons Conducting Investigation:

Name	Signature	Type of Representative Employer, Worker or Other	Date