

Administrative Procedures Manual	Administrative Procedure
	160 Appendix H
	Work Refusal and Stopping Dangerous Work
	APPROVED: August 2020
Page 1 of 5	AMENDED/REVIEWED: June 2022
LEGAL REFERENCE:	AB Occupational Health and Safety Act 3(17-19) AB Worker's Compensation Act

Definitions:

Dangerous work means work having the presence of an undue hazard. An 'undue hazard' in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.

Reasonable grounds means the worker has some objective information that makes them believe the work is unsafe. The employee does not have to be correct in their knowledge or belief. i.e. they may have been told by a coworker that brakes on a Division vehicle they are driving have failed in the past.

Types of conditions which would be considered dangerous

An undue hazard is a serious and immediate threat to the health and safety that the refusing worker actually observes or experiences at the work site. Theoretical, anticipated, or potential risks are not reasonable grounds for a work refusal. These types of concerns should be brought to the principal/supervisor's attention under the staff member's general duty.

General health and safety concerns are not dealt with under the work refusal process as they are not considered to have the presence of an undue hazard.

Examples of undue hazards include:

- Sudden infrastructure collapses and result in unsafe physical environment
- A danger that would normally stop work, such as broken or damaged tools/ equipment, or a gas leak.

Overview – Right to Refuse Dangerous Work

The general right of the employer to direct work is balanced by the employees right to refuse dangerous work. Every worker has a right to refuse work if they reasonably believe there is an undue hazard at the work site (school), or that particular work poses an undue hazard to themselves or others.

GPPSD has an obligation under section 3(1)(f) of the Occupational Health and Safety (OHS) Act to address health and safety concerns raised by workers and under section 2 of the OHS Code to control hazards on the site.

All staff have an obligation under section 5(1)(e) of the OHS Act to report concerns about unsafe or harmful work site acts or conditions to their supervisor.

A work refusal is a last resort to address work site dangers. Other processes available under the OHS legislation should be used first (i.e. reporting concerns, following procedures, investigating concerns, controlling identified hazards, etc.).

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Schools or departments must document and investigate all formal work refusals. An employee cannot be penalized, disciplined, or threatened for exercising their right to refuse unsafe work under reasonable grounds.

Process for Refusing Dangerous Work

(See Work Refusal Flow Chart)

1. If you observe an undue hazard and do not have the authority, knowledge, or means to safely correct it yourself, verbally report it to your supervisor as soon as possible. The details of what you're refusing to do and why must be documented by written means in Public School Works (PSW) which is available on the GPPSD Portal main page. Select: 'Near Miss and Hazard Reporting' and choose 'Submit a Refusal to Work Report'.
 - i. Throughout the work refusal process, you must always cooperate with your supervisor.
 - ii. The refusal should not put the life, health or safety of the employee or any other person in danger. For example, if safe to do so, install barriers around the danger to prevent others from getting hurt.
2. The supervisor shall take appropriate steps to investigate and eliminate or control the undue hazard. In some cases, the undue hazard may be resolved right away. For example, the supervisor may provide replacements for broken or damaged equipment, or they may assign a trained and competent worker to a task that an untrained worker is refusing to do.
3. If the undue hazard cannot be remedied immediately, the supervisor must stop the work, discuss the matter with the refusing worker, and if safe to do so, conduct a hazard inspection.
 - i. The employee must remain in a safe location at the worksite while the investigation is underway. They can be re-assigned to alternative safe duties at the discretion of the supervisor. The employee must be paid during the investigation. The supervisor may assign the work to another person if the undue hazard has been remedied or the hazard investigation determines there is no hazard.
4. The supervisor must inform the Health and Safety Committee (HSC), by contacting one of the two committee co-chairs, of the refusal as soon as possible (even if the hazard was remedied immediately) and respond to any concerns or recommendations that the committee may have.
5. If the employee feels that appropriate steps have been taken and there is no longer an undue hazard, then the employee can return to work and the work refusal process is ended.

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6. Using [Form 160-2 Refusal of Dangerous Work / Stoppage of Dangerous Work – Investigation Report](#), the supervisor will prepare a written record of the employee's notification, the investigation and the action taken. A copy is scanned and uploaded to the PSW Report, and a copy is provided to the HSC, Human Resources, and the Safety Coordinator. Do not share any employee personal information to the HSC.
7. The employee returns to regular work when the undue hazard is eliminated or controlled and/ or resolution is found.
8. If the employee disagrees with the decision or actions taken by the supervisor and still believes that there is an undue hazard, the employee may choose to report their concern to the Alberta Labour OHS Contact Center at 866-475-8690. If the call center is notified, a provincial occupational health and safety (OHS) officer will investigate and provide final ruling in writing as soon as practicable.
9. Once a supervisor is advised that an employee has notified OHS, they must advise (in writing) any other worker assigned to the work of:
 - i. The first worker's refusal
 - ii. The reason they refused
 - iii. The reason the supervisor believes there is no undue hazard.
10. If the employee or administration does not agree with the OHS officer's findings, either one can appeal the decision to the Director of Inspection within (30) days of the receipt of the report. The Director of Inspection may dismiss the request for review or require the employer to eliminate the dangerous work.
11. An employee who believes they have been subjected to disciplinary action by exercising their right to refuse dangerous work may also file a complaint, within 180 days after the alleged disciplinary action occurred, with Alberta Labour through the OHS Contact Center at 866-475-8690.

Overview – Stopping Dangerous Work

The Occupational Health and Safety Act and Administrative Procedure AP 160, Health and Safety of Students and Staff gives Division staff the right and responsibility to report hazards and dangerous working conditions. These documents also give school and department administration, supervisors or designates the responsibility and authority to follow up on reported hazards and to stop dangerous work if necessary. This includes activities being conducted by Division staff, students, volunteers, or contractors where there is reason to believe

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an unsafe condition or dangerous circumstance exist. The work stoppage must be done in a way that does not place staff, students, or other building occupants in danger.

Process for Stopping Dangerous Work

If you are a division employee and observe dangerous working conditions, you have the right to approach the person(s) involved in a respectful manner and ask them to stop. Immediately report the concern to the site or department administrator or supervisor. Unsafe conditions can be reported verbally or in writing using the [Hazard & Near Miss Reporting Form](#) (in PSW). The site administrator (or designate) has the right and responsibility to ensure the concern is investigated and to take steps to stop the work until adequate hazard controls are in place. To initiate a work stoppage the school or department administrators should follow these steps:

1. Approach the worker(s) involved and advise them of the reasons for concern. Ask them to stop work and the dangerous activity until the circumstance are investigated and the unsafe condition is corrected. The worker may be assigned to an alternative task while the work stoppage is being investigated.
2. The school or department administrator shall investigate the circumstances in consultation with the worker / employee / contractor / volunteer / involved. If they do not directly supervise the worker(s) involved they will notify the worker's supervisor and together ensure the necessary corrective action is taken (i.e. if the concern involves a maintenance worker, the worker's supervisor will be notified).

When the hazard or dangerous work is controlled the worker(s) can resume work. The school or department administrator or supervisor completes [Form 160-2, Refusal Dangerous Work / Stoppage of Dangerous Work Investigation Report](#) and forwards a copy to the worker, the workers supervisor, and the division safety committee.

