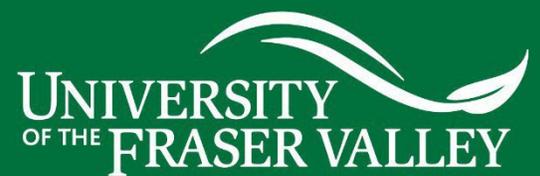


# REFUSAL of UNSAFE WORK PROGRAM

2023

SAFETY & SECURITY

[Ufv.ca](http://Ufv.ca)



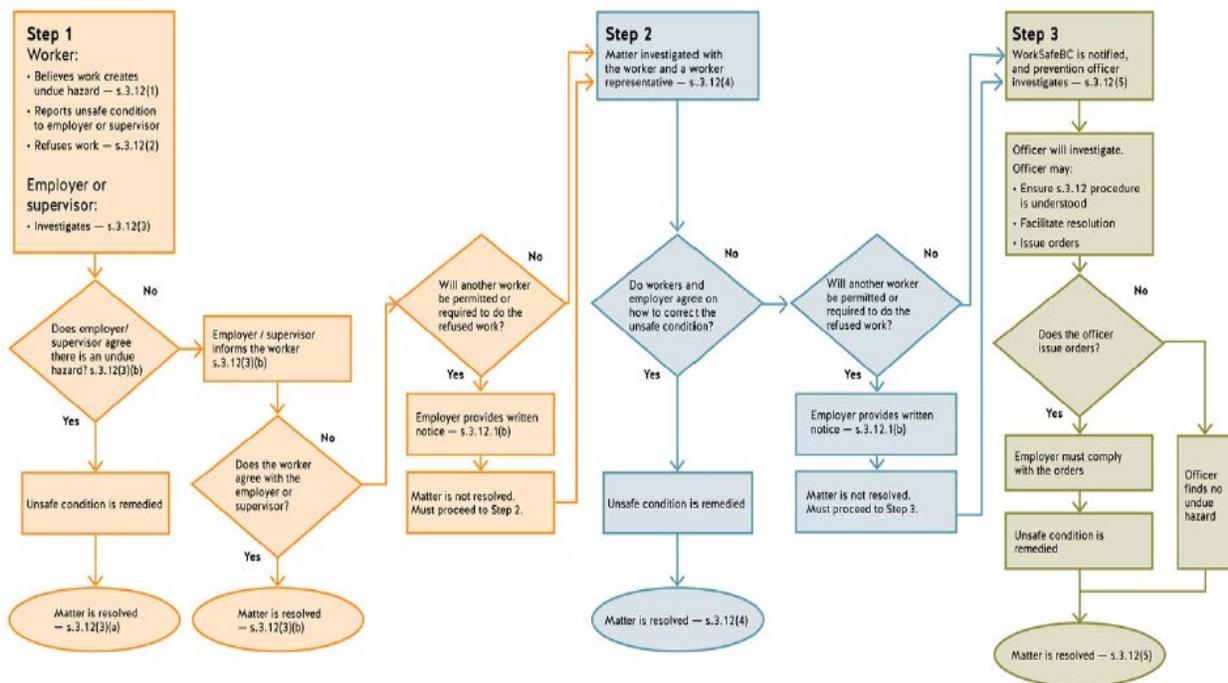
## 1. Introduction

The refusal of unsafe work is a fundamental right and responsibility held by workers. Workers who reasonably believe that work is unsafe must refuse to perform that work and are entitled to have the employer investigate, and if necessary, correct the hazard. This fundamental right is established in the Occupational Health and Safety Regulation section 3.12. The purpose of this document is to provide structure to how this process functions at the University of the Fraser Valley, including process, roles & responsibilities, training, investigations, and record keeping.

## 2. Definitions

<b>Undue Hazard</b>	A "hazard" is identified in Part 1 of the Regulation as "a thing or condition that may expose a person to a risk of injury or occupational disease." Further, "undue" is defined by the Oxford Dictionary as "unwarranted, inappropriate, excessive or disproportionate." Therefore, a thing or condition that may expose a worker to an excessive or unwarranted risk of injury or occupational disease represents an undue hazard for the purposes of section 3.12 of the Regulation.
<b>Reasonable cause to believe</b>	The use of the term "reasonable" in "reasonable cause to believe" means that the worker must assess the situation as a reasonable person, considering relevant and available information and exercising good faith judgment with respect to the hazard with due regard to the worker's training and experience.

## 3. Refusal of Unsafe Work Flowchart



## 4. Supplementary Process Information:

1. Initial Refusal of Unsafe Work and Informal Investigation
  - a. Refusing workers are required to report the refusal to their supervisor immediately for their own safety and for the safety of those around them. Refusal of unsafe work is a collaborative process, so the worker is to remain at work to participate in the process. This could mean when unsafe work is identified, the worker stops what they are doing immediately, secures the area if possible, and seeks out their supervisor or employer immediately.
  - b. The supervisor is to investigate the report of unsafe work with the reporting worker. *Supervisors should keep detailed notes that include information regarding date/time of report an investigation, details of refusal, and conclusions. The supervisor will also notify the Safety and Security Department [ehs@ufv.ca](mailto:ehs@ufv.ca) for support.*
  - c. The refusing worker may be reassigned to other tasks during the investigation.
2. Formal Investigation of Unsafe Work
  - a. If the refusal of unsafe work has not been resolved, a formal investigation is to be launched immediately by the supervisor. *The supervisor will contact the Safety and Security Department at [ehs@ufv.ca](mailto:ehs@ufv.ca) and the Safety and Security department will liaise with the JOHSC co-chair to have a worker representative assigned to the investigation.* The formal investigation includes the refusing worker, the worker representative from the JOHSC, the worker's supervisor, and employer support provided by the Safety and Security Department.
3. WorkSafeBC Involvement
  - a. If the refusal of unsafe work has not been resolved following the formal investigation, the refusing worker and the employer are to immediately contact WorkSafeBC's prevention line to report the refusal of unsafe work.

### **Prevention Information Line**

<https://www.worksafebc.com/en/contact-us/departments-and-services/health-safety-prevention>

**Phone:** 604.276.3100 (Lower Mainland)

**Toll-free:** 1.888.621.7233 (1.888.621.SAFE) (Canada)

- A. The report received by the WorkSafeBC prevention officer will be provided to the refusing worker, the appropriate JOHSC and posted on the Health and Safety board outside of the Safety & Security Office.

## 5. Reassignment of Refused Work:

If a worker refuses work under section 3.12, UFV must not require or permit another worker to do the refused work unless:

- A.
- B. The matter has been resolved, or
- C. UFV has, in writing, advised the other worker, their union representative, and the JOHSC representative:
  - I. The refusal
  - II. The unsafe condition reported
  - III. The reasons why the work would not create an undue hazard to the health and safety of the other worker or any other person
  - IV. The right of the other worker to refuse unsafe work