

TITLE: Right to Refuse Dangerous Work	Version: 1.00
	Version Date: 2023-07-20
Signing Authority: Delaine Russo, Director, Environmental Health and Safety Office	

1 Purpose

The procedure for the Right to Refuse Dangerous Work was developed by the Environmental Health and Safety Office in accordance with the University's Health and Safety Policy and to ensure compliance with the Manitoba Workplace Health and Safety Act and Regulation.

2 Scope

This procedure applies to all employees and students at the University of Manitoba as well as its facilities.

3 Definitions

Employer

- every person who, by themselves or their agent or representative employs or engages one or more workers, and
- the Crown and every agency of the government.

Employee

- any person who is employed by an employer to perform a service whether for gain or reward, or hope of gain or reward or not,
- any person engaged by another person to perform services, whether under a contract of employment or not
- who performs work or services for another person for compensation or reward on such terms and conditions that he is, in relation to that person, in a position of economic dependence upon that person more closely resembling the relationship of any employee than that of an independent contractor, and
- who works or performs services in a workplace which is owned or operated by the person who engages him to perform services,
- any person undergoing training or serving an apprenticeship at an educational institution or at any other place.

EHSO

Environmental Health and Safety Office

Dangerous work

Circumstances when an employee may refuse to work or do work at a workplace if they believe on reasonable grounds that the work constitutes a danger to their safety or health or to the safety or health and safety of another employee or person.

Supervisor

A person who has charge of a workplace or authority over an employee.

LASH Committee Local Area Safety and Health committee. These are safety and health committees established by the University in accordance with the Workplace Safety and Health Act of Manitoba.

4 Procedures



WORK REFUSAL FORM

Instructions:

- Employees must inform their supervisor/manager of a Right to Refuse Dangerous Work situation immediately.
- Immediate response from the supervisor is required when an employee has exercised their right to refuse dangerous work.

PART 1.0	Initial details (Completed by employee refusing work)
Name of employee refusing work:	
Position of employee:	
Date and time of refusal:	
Name of Supervisor responding:	
Description of the work being refused.	
<p>Instructions:</p> <ul style="list-style-type: none"> ▪ The supervisor attempts to resolve the Right to Refuse & must document details of corrective actions or reason(s) why the work is not dangerous. 	
PART 1.1	Supervisor's investigation (Completed by supervisor)
Supervisor investigation details	
Supervisor investigation results/corrective actions	

Instructions:

- If the refused work is resolved, forward this document to EHSO for retention.
- If the employee who made the initial report is unsatisfied, proceed to the next section of this form & record details in **part 2.0 below**.

PART 2.0	LASH Committee Investigation
-----------------	-------------------------------------

Instructions:

- The refusal of work is investigated with the employee and supervisor and LASH Employee representative, EHSO and/or Physical Plant Safety & Health involvement.
- The section below will be completed by either the LASHC member or a member of EHSO/PP Health & Safety. Document the inspection details/concerns and any potential corrective actions noted.

Investigation details		
Investigation results/corrective actions.		
PART 3.0	Assignment of other employees	
Instructions: <ul style="list-style-type: none"> ▪ Other employees cannot be assigned to the refused task until this point in the refusal. ▪ The employer must advise the employee asked to complete the work, in writing, of the employee's refusal, the reasons for the refusal, and why the employer does not consider the work as dangerous. 		
Record name of other employee(s)	Employee Name	
	Employee Name	
	Employee Name	
The Employer will record why they do not consider the dangerous.		
PART 4.0	Contacting Manitoba Labor - Workplace Safety and Health Branch	
Instructions <ul style="list-style-type: none"> ▪ EHSO/Physical Plant Safety and Health or any other employee member present during the investigation may contact the Workplace Safety & Health Branch at 204-957-7233 or toll free at 1-855-957-7233. ▪ This section should be completed by EHSO/Physical Plant Safety and Health 		
Decision of Workplace Safety & Health Officer.		
NOTE: The supervisor and employee involved in right to refuse sign below when the case has been resolved and closed to acknowledge that all above information has been reviewed.		
EMPLOYEE SIGNATURE	DATE (YYYY-MM-DD)	EMPLOYER SIGNATURE

5 Document History

Version Number	Version Date	Description of Change	Author
1.00	2023-07-20	Initial Release	Bryan Stadnyk