

### **Work Refusal Guidelines**

Safety issues and concerns are raised on an ongoing basis in the workplace and are generally responded to and addressed in the moment, with a resolution that addresses the hazard or hazardous condition.

A work refusal results from an escalation of a safety concern that is perceived to be present in the workplace and which is not (adequately) resolved to the satisfaction of the employee(s).

As the workplace evolves an unrecognized hazard or safety issue may emerge for a variety of reasons. When a safety concern or hazard is believed to rise to the standard of becoming an *imminent threat*, or presents a *dangerous condition* to the health and safety of an employee or others then the elements of a work refusal are present. Refusal of a specific job or task is based on:

- A danger that is not addressed by normal hazard controls:
- A danger that would normally stop work; or
- A situation for which you are not properly trained, equipped, or experienced to do the work assigned.

If the supervisor or employer does not address the dangerous condition and resolve it, and directs the employee to continue to work, then the employee may exercise their right to refuse if they believe:

- that the safety measures / controls implemented by the supervisor / employer have not adequately addressed the dangerous condition, and/or
- that the work may be a danger to themselves or others.

The work refusal is initiated by the employee when they give immediate notice to their supervisor to refuse the work, based on reasonable grounds, and in good faith, that there is an imminent danger / dangerous condition which exists. Work refusals should be addressed immediately by the supervisor.

NAIT's Work Refusal process is outlined in the following:

- [HS.PRG.27 - Work Refusal Program](#)
- [HS.FC.1 - Work Refusal – Flowchart](#)

The above documents detail the parties involved, the roles and responsibilities of the parties, and the steps required to be completed for a work refusal.

### **COVID-19 and Work Refusals**

Can I refuse work because of the COVID-19 pandemic?

The short answer is no. Work refusal cannot be invoked simply because COVID-19 exists. There must be a link between COVID-19 and your reasonable belief that you are at risk for injury or illness. In the case of COVID-19, a potential danger would include a risk of exposure that is not being properly managed, such as an employer failing to provide you with appropriate personal protective equipment or the training to use it.

Right to Refuse dangerous work: OHS information for employers and workers– Government of Alberta  
<https://open.alberta.ca/dataset/2e12a74b-cae0-4133-b1c4-1ff40521403e/resource/cabc3e71-0ab7-41e9-a6b0-d4caf3d94d9e/download/lbr-right-to-refuse-dangerous-work-ohs-information-li049-2020-06.pdf>