





SUN COUNTRY HEALTH REGION & AFFILIATES

Policy/Procedure #:					HR-70-01-10	
Section:	HR - Human Resources					
Sub-section:	HR-70 - Safety Management System (SMS)					
Category:	HR -70-01 – Element 1 – Management & Leadership					
Subject:	Workers' Rights					
Date Issued:	Date Revised:	Enter Date	Enter Date	Enter Date	Enter Date	Enter Date
13-Apr-2016	Date Reaffirmed:	Enter Date	Enter Date	Enter Date	Enter Date	Enter Date
Document Owner:			Authorized by:			
Name: Shirley Thera			Name: Dean Biesenthal			
Title: Manager Workplace Health and Safety			Title: Vice President Human Resources			
 signature			 signature			

POLICY:

Sun Country Health Region strives to ensure that all workers are aware of the fundamental rights regarding their wellbeing in the workplace. We recognize that our workers are our most valuable asset. Our objective is to ensure all workers are aware of their rights and responsibilities regarding health and safety in the workplace. No disciplinary action will be taken against a worker for exercising their rights pertaining to workplace health and safety. This policy and/ or 3 Rights Poster shall be posted on all SCHR site OHS Bulletin Boards.

PURPOSE:

Workers who are adequately informed and empowered can effectively fulfill their responsibilities to take reasonable care to protect themselves and their co-workers. A worker has three rights under the Saskatchewan Employment Act/Occupational Health & Safety Regulations:

- **Right to Know** about hazards in the workplace. Workers have the right to know about hazards and control measures present in the workplace, and be given information, training, and supervision required to protect themselves.
- **Right to Participate** in occupational health & safety activities including all aspects of the safety management program and through consultation with the Occupational Health & Safety Committee
- **Right to Refuse** to perform an act or series of acts at the workplace that present an “unusual” danger to the worker or another worker.

Unusually dangerous can be defined as danger that is not a normal part of the work activity and its worker believes on reasonable grounds, poses a danger of imminent risk to their health & safety for which the worker is not adequately trained, knowledgeable or experienced.

REFUSAL TO WORK

The Saskatchewan Employment Act/Occupational Health & Safety Regulations, Section 3-31 states: “ A worker may refuse to perform any particular act or series of acts at a place of employment where the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker’s health & safety, or the health and safety of any person at the place of employment until:

- a) Sufficient steps have been taken to satisfy the worker otherwise: or
- b) The occupational health & safety committee (OHC) has investigated the matter and advised the worker otherwise”.

A refusal to work must be:

- Based on a belief by the worker that the work is unusually dangerous
- A decision undertaken by an individual, not a group
- Applied to occupational health and safety (OH&S) issues as outlines in the act or its regulations.

Unusually dangerous is a:

- Danger which is not normal for the employee’s occupation or job
- Danger which would not normally be carried out in the employee’s job
- Situation, for which the employee is not properly trained, equipped or experienced.

Process to file Refusal to Work

Where a worker is asked to perform a particular act or series of acts and the worker has reasonable grounds to believe the act or series of acts is unusually dangerous to their health & safety, or the health & safety of any person at the place of employment, the worker shall:

- make it known to their direct manager/supervisor, that the act or series of acts being requested, may endanger themselves, or others
- if the matter is not settled to the satisfaction of the worker, the worker may then refuse to undertake the act or series of acts, and file a Refusal To Work under Section 3-32 of the Sask Employment Act/Regs
- The worker shall file their refusal on a SCHR Employee Incident Report form (blue sheet)
- The worker shall file the incident report form with their direct manager/supervisor, retaining a copy for themselves
- The worker shall ensure the site occupational health & safety committee employer co-chair (if not the direct manager/supervisor of the worker), and the worker co-chair are also notified
- The worker is entitled to refuse the act or series of acts until the site occupational health & safety committee/SCHR Manager Workplace Health & Safety has investigated the matter and advised the worker/employer otherwise.
- The site co-chairs (if the worker’s direct manager/supervisor be the site employer co-chair, that manager/supervisor shall appoint another employer representative to replace them) shall contact the SCHR Manager Workplace Health & Safety to begin the process of investigation.

- The SCHR Manager Workplace Health & Safety shall notify the SCHR Director Employee Health Services of the refusal.
- Upon completion of their investigation, the representatives of the site OHS committee and the SCHR Manager Workplace Health & Safety shall inform the worker/employer of their findings in writing
- The worker may also request an occupational health & safety officer to assist with the investigation

In accordance with Section 3-32 of the Sask Employment Act/Regs, either the worker or the employer can request a further investigation by an officer, where either are not satisfied with the decision of the site OHS committee reps/SCHR Manager Workplace Health & Safety. The officer shall investigate the matter in accordance with Section 3 of the Sask Employment Act/Regs,

- If the officer finds in favor of the worker, they may issue a Notice of Contravention outlining appropriate remedial action.
- If the officer finds the act or series of acts is not unusually dangerous, the officer shall advise of such to the employer and the worker in writing, and advise the worker they are no longer entitled to refuse to perform the act or series of acts under Section 3-31.

Reference Section 3 of the Saskatchewan Employment Act for full details of the process.