
Health & Safety Standards



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Title:
Right to Refuse Unsafe Work

1.0 INTRODUCTION

This document outlines the process for the refusal of unsafe work at NB Power. It informs employees, management and Joint Health and Safety (JHSC) representatives of their legal rights and obligations when an employee exercises a refusal to work under the Occupational Health and Safety Act of NB, section 19.

An employee may refuse to do any act where they have reasonable grounds for believing that the act is likely to endanger the health or safety of themselves or of any other employee.

2.0 SCOPE

This standard applies to employees, students and contractors when performing work on behalf of NB Power.

3.0 REFERENCES

OHS Act	Section 19
Corporate Health and Safety Manual	

4.0 TERMS AND DEFINITIONS

Unsafe Work	If you have reasonable cause to believe that performing work or using a tool or machine puts you or someone else at risk, you must not perform the job or task.
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5.0 ROLES AND RESPONSIBILITIES

5.1 Supervisor

- Promote employees communicating and practicing their right to refuse unsafe work if warranted.
- Performing the initial investigation of a work refusal by an employee and inform the employee of the investigation outcome.

5.2 Employee

- Step up and advise supervisor if there is an unsafe situation.

5.3 Joint Health and Safety Committees

- Participate in Step 2 of the Right to Refuse process

6.0 STANDARD

Authority To Stop Unsafe Work

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Any individual performing work or providing services for NB Power irrespective of their employing entity, has the responsibility and authority to stop or require others to stop work when an unsafe act or condition is observed that could result in an injury or incident. Work may only be resumed when it can proceed in a safe manner, and there will be no punishment / punitive action taken because of stopping unsafe work.

Additionally, everyone is required and empowered to immediately advise NB Power and those with operational control of that work area of any safety violations, whether involving NB Power, a Contractor, a subcontractor or an individual. The contractor shall ensure the authority to stop unsafe work is communicated to its employees and that of its subcontractors through project orientation, and prominent safety messaging.

The right to refuse unsafe work is a legislative requirement and is typically used when the first two rights (The Right to Participate and The Right to be Informed) have failed to ensure an employee's health and safety. Exercising this right is significant and should not be done lightly or as a routine method of solving workplace issues. However, employees should not be afraid to exercise their right to refuse unsafe work when they believe the work will endanger their health or safety, or that of others. The right to refuse process involves the following steps and must be documented on Form #0430.

Examples of refusals:

- any machine, equipment or tool that the worker is using or is told to use is likely to endanger himself or herself or another worker.
- the physical condition of the workplace or workstation is likely to endanger themselves.
- workplace violence is a possibility.
- any machine, equipment or tool that the worker is using, or the physical condition of the workplace, contravenes the Act or regulations and is likely to endanger himself or herself or another worker.

not being competent or having the appropriate training or qualifications to perform the work safely.

Step 1: Any employee who believes that an act is likely to endanger the employee's or any other employee's health or safety shall immediately report their concern to their supervisor, who shall promptly investigate the situation in the presence of the employee. The *OHS Act of NB* requires the supervisor to respond to the concerns of the employee.

- If the supervisor's findings are in agreement with the employee, corrective action(s) must be taken to resolve the matter. The matter is complete and the employee returns to work.
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- If the supervisor's findings are in disagreement with the employee's assessment of the safety of the work in question, they must explain why they disagree. Begin documenting the refusal and findings on Form #430. Proceed to Step 2..

Step 2: If the employee is not satisfied with the supervisor's findings, the employee shall refer the matter to the local JHSC. The JHSC (employee and employer representatives) must conduct an investigation on the employee's behalf and, provide a decision on their findings.

- If the JHSC agree with the employee, they must make recommendations to the employee's supervisor for corrective measures to remedy the unsafe situation.
- If the JHSC disagrees with the employee's assessment (or cannot agree on a decision) of the safety of the work in question, they must explain why they disagree. Proceed to Step 3.

Step 3: If the employee is not satisfied with the JHSC's action(s) they must contact the Total Health and Safety Department. Total Health and Safety must conduct an investigation on the employee's behalf and provide a decision on the findings.

- If the Total Health and Safety Department agrees with the employee, they must make recommendations to the employee's supervisor for corrective measures to remedy the unsafe situation.
- If the Total Health and Safety Department disagree with the employee's assessment of the safety of the work in question, they must explain why they disagree. Proceed to Step 4.

Step 4: If the employee is unsatisfied with the Total Health and Safety's recommended action(s) WorkSafeNB must be contacted. The WorkSafeNB Officer shall promptly investigate the situation and make the findings known in writing as soon as is practicable to the employer, the employee and the committee.

- If the officer agrees with the employee, the officer will issue an order(s) to rectify the matter;
- If the officer disagrees with the employee, the officer will advise the employee to return to work.

Step 5: If the employee disagrees with the WorkSafeNB officer's decision, the employee retains the right to appeal to WorkSafeNB's Chief Compliance Officer.

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NB Power has the right to temporarily reassign an employee who has refused unsafe work to perform other work.

NB Power may also assign another employee to perform the work, only after investigating the refusal and deeming the situation safe and advising the other employee of the work refusal and the reason(s). If another employee accepts the work, NB Power considers the work refusal concluded.

Each step of the work refusal must be documented on Form #0430.

7.0 APPENDICES

- A. Right to Refuse Unsafe Work Flow Chart
 - B. Right to Refuse Unsafe Work Form
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DOCUMENT APPROVAL/REVISION RECORD

Revision #	Date yyyy/mm/d	Revision Summary	Author	Reviewed By	Approved By
New	2018/10/02	New standard	N. Allen	S. Parker	R. Condon
01	2023-09-23	Provided examples of unsafe work Added responsibilities section	N. Legere	TH&S Team	Roland Roy

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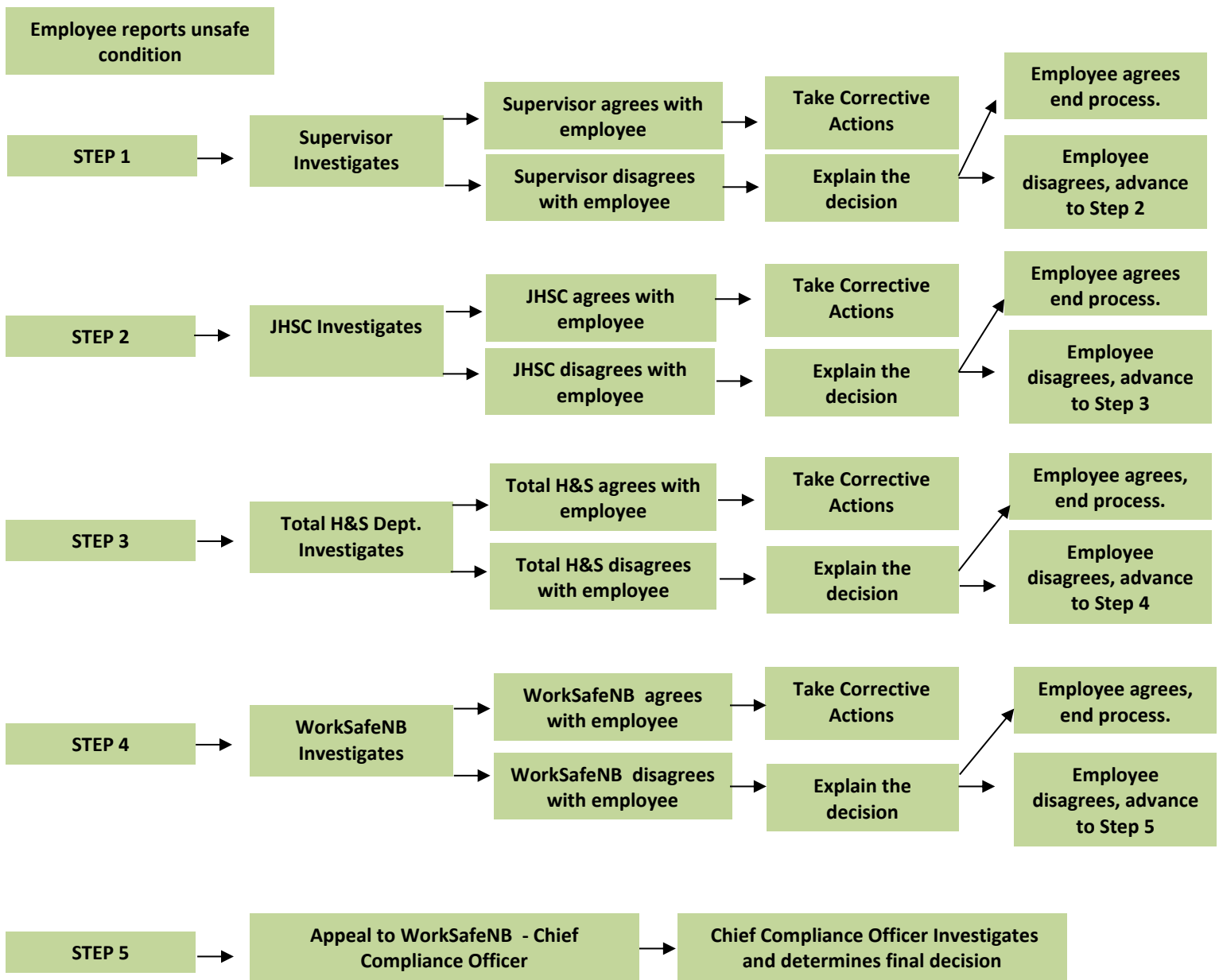
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Appendix A



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Appendix B Right to Refuse Form

Step 1: The employee reports the concern to his immediate supervisor

I, _____, refuse to do the act assigned by my supervisor. I believe that this act is likely to endanger my health and safety (or the health and safety of others) for the following reason(s):

- | | |
|--|---|
| <input type="checkbox"/> I am not properly trained for the job | <input type="checkbox"/> Physical or mechanical hazards |
| <input type="checkbox"/> I do not have enough experience for the job | <input type="checkbox"/> Chemical hazards |
| <input type="checkbox"/> I do not have the necessary skills for the job | <input type="checkbox"/> Biological hazards |
| <input type="checkbox"/> I do not have the necessary equipment for the job | <input type="checkbox"/> Other (specify) |

Detailed explanation:

Date signed _____, by _____

Submitted to the supervisor _____ at (time) _____

Signed by supervisor upon receipt: _____

Answer from the supervisor:

- I find that _____ **has** reasonable grounds for believing that the act is likely to endanger the health and safety of the employee or the health and safety of others. Therefore, I recommend the following remedial action(s) to be taken **or** I will take the following remedial action(s) **so that the employee may** resume work.

- I find that _____ **does not have** reasonable grounds for believing that the act is likely to endanger his/her health and safety or the safety of any other employee. **Therefore, I advise the employee to resume work.**

Date signed _____ at (time) _____

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Signature of supervisor: _____

Signature of worker: _____



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Step 2: The employee refers the matter to the JHSC.

The employee submits this form to JHSC.

Received by:

_____, representing the employee, and
_____, representing the employer

on (date) _____ at (time) _____

Answer: We, the members of the JHSC, have studied the reasons for this right to refuse submitted by _____, and we make the following recommendation (s):

- The JHSC finds the employee **has** reasonable grounds and make the following recommendation(s) to the employer.

The JHSC finds that the employee does not have reasonable grounds for the following reason(s)

The JHSC cannot reach a decision and have the following positions:

- Employer representative accepts recommendation
- Employer representative refuses recommendation

- Employee representative accepts recommendation
- Employee representative refuses recommendation

The JHSC advises _____ to refer the matter to an NB Power's Total Health & Safety Department.

_____ (Employee Representative)

_____ (Employer Representative)

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Step 3: Referral of the matter to the Total Health and Safety Department

The employee or JHSC submits this form to Total Health and Safety Department

Submitted by JHSC or Employee _____

Received by: _____, representing Total Health and Safety Department
on (date) _____ at (time) _____

Answer: Total Health and Safety Department have investigated the reasons for this right to refuse unsafe work submitted by _____, and we make the following recommendation (s):

Total Health and Safety Department finds the employee **has** reasonable grounds and make the following recommendation(s) to the employer

Total Health and Safety Department finds that the employee does not have reasonable grounds for the following reason(s)

Total Health and Safety Department advises _____ to refer the matter to WorkSafeNB

Step 4 - Referral to an officer at WorkSafeNB

When the matter is not resolved to the satisfaction of the employee, **the employee** refers it to an officer by calling WorkSafeNB at 1 800 222-9775.

Step 5 – if the employee disagrees with the WorkSafeNB decision, they can appeal to the WorkSafeNB Chief Compliance Officer who will determine the final decision.
