



**POLICY:**

REGULATION: EBB – Workplace Safety and Health – Dealing with Concerns/Dangerous Work

**EXHIBIT:**

**PROCEDURES FOR DEALING WITH CONCERNS**

**Definition:** A concern is a situation brought about by a hazard or condition at the physical location, or any equipment or tools an employee utilizes to fulfill their job responsibilities, which is, or potentially may, endanger the safety and health of employees working in, or persons attending a Division building.

- a. When a concern arises which an employee believes is of a safety or health nature, the employee should report the concern to the School Principal and any appropriate school-based staff who may be able to remedy the concern within a reasonable time (e.g. inform a custodian if there is an ice patch on the walkway).
- b. Wherever possible, the School Principal or their designate, in consultation with site or divisional staff will attempt to resolve the concern and explain to the informant any measures taken.
- c. If the concern is not resolved as a result of the action taken in ‘a’ or ‘b’, the employee may report the concern in writing to the site WSH committee. The site committee will determine if the concern can be addressed onsite or whether further consultation with divisional staff is required. If further consultation is required with divisional staff, a written work request will be made to the appropriate divisional staff (e.g. an exit door keeps jamming and needs repair, so a written divisional maintenance request is submitted). These actions will be noted in site committee meeting minutes.
- d. If the concern is not resolved, within a reasonable time, as a result of the actions taken in ‘c’, the site committee may submit a formal written recommendation to the SRSD Safety Officer, who will assist in resolving the concern. The SRSD Safety Officer will consult with divisional staff and provide a written response within 30 days, as per the contents required in section 41.1(3) of the Act.

Under emergency conditions, the time frames for resolution will be escalated as appropriate and feasible. The worker has the right to refuse dangerous work, as per section 40 of the Act. See the Act, section 41, for further information on reporting and addressing concerns.

See also *WSH Committee Recommendation Form*.

APPROVED: October 24, 2017

REVISED: September 2017

SOURCE: Manitoba Workplace Safety and Health Act and Regulation (2015), 40, 41, 43(1) – 43(3)

OTHER REFERENCE:



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REGULATION: EBB – Workplace Safety and Health – Dealing with Concerns/Dangerous Work

**EXHIBIT:**

**PROCEDURES FOR DEALING WITH RIGHT TO REFUSE DANGEROUS WORK**

**Definition:** Dangerous work generally means work involving safety and health risks that are not *normal* for the job.

*43(1) A worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person.*

- a. When an employee believes they have been assigned dangerous work, the employee must report immediately to the School Principal, or the person in charge at the workplace indicating their reason for refusing to work. The employee and the person in charge, along with the worker co-chairperson or, if that person is unavailable, another committee member who represents workers, shall immediately inspect the dangerous condition. They must attempt to resolve the concern for the work to proceed. They may agree to suspend the work or use of the equipment, until a remedy can be determined. The worker may be reassigned until the equipment or procedure can be reviewed. If the equipment is deemed to be dangerous or faulty, the equipment must be “locked out” so no other person may use it, and the SRSD Safety Officer informed.
- b. If the dangerous condition is not remedied after an on-site inspection, consultation will be requested from appropriate divisional personnel and the SRSD Safety Officer. Until the dangerous condition is remedied, the worker who reported it may continue to refuse to do the particular work, and other workers will not be assigned to do the particular work. Efforts will be made to remove hazards, and/or review and provide adequate safety measures, so that the work will not constitute a danger to the employee’s safety or health and the issue may be resolved.
- c. If the dangerous condition is not remedied after an inspection by the SRSD Safety Officer and appropriate divisional personnel, a provincial safety and health officer will be informed of the refusal to work and the reasons for it.
- d. If the SRSD Safety Officer and appropriate divisional personnel have reviewed the concern and determined that a dangerous work condition does not exist, they may only assign the work to another worker after advising the worker in writing of the original concern, following the requirements under 43(6) of the Workplace Safety and Health Act (2015).

A provincial safety and health officer may be contacted at any point in the process outlined above.

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