
HORIZON SCHOOL DIVISION**POLICY HANDBOOK**

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POLICY

THE BOARD OF TRUSTEES OF HORIZON SCHOOL DIVISION IS COMMITTED TO A HEALTH AND SAFETY PROGRAM THAT PROTECTS OUR STAFF, OUR PROPERTY AND OTHER WORKERS WHO ENTER OUR PROPERTY. OUR COMMITMENT TO SAFETY IS IN ACCORDANCE WITH STANDARDS OUTLINED IN THE ALBERTA OCCUPATIONAL HEALTH AND SAFETY LEGISLATION. EMPLOYEES ARE EXPECTED TO MODEL SAFE WORK PRACTICES AND BEHAVIOURS TO CONTRIBUTE TO A SAFE WORK ENVIRONMENT.

DEFINITIONS

Dangerous condition – Alberta OHS described it as something that is “not normal for the job” or “normal hazards” that are not properly controlled. Alberta OHS suggests that while a worker is obligated to bring theoretical, anticipated or potential risks to the attention of the employer, they do not constitute reasonable grounds for a work refusal. Dangerous conditions are systemic dangers that can affect multiple workers, and less compatible with concerns that are unique to one worker (e.g. vulnerable worker)

GUIDELINES

1. The program objective is to prevent injuries and property damage in all work execution and operations. To achieve this objective, employees will demonstrate a shared commitment to creating a work atmosphere in which health and safety practices are implemented with everyday operations.
2. Health and Safety is a shared responsibility and applicable procedures, regulations, codes and statutes of the authorities apply to all members of the Horizon School Division community (including Horizon School Division employees, students, contractors and subcontractors, general public using or renting the Horizon School Division facilities).
3. All workers have an obligation to:
 - 3.1. take reasonable care to protect health and safety of themselves and others;
 - 3.2. cooperate with the employer;
 - 3.3. use hazard control devices and PPE;
 - 3.4. report concerns about unsafe acts or conditions; and
 - 3.5. refrain from violence and harassment.

4. All workers have the right to:
 - 4.1. be informed of workplace hazards and control measures;
 - 4.2. participate in health and safety matters and express concerns;
 - 4.3. refuse dangerous work; and
 - 4.4. be free from retaliation for exercising an OHS right or duty.
5. Work may be refused under four conditions:
 - 5.1. The employee sincerely believes there is an imminent danger: any worker can refuse work if they honestly believe that it would pose an imminent danger to their own or another person's health and safety.
 - 5.2. The employee's belief is reasonable: the health and safety concern must be reasonable.
 - 5.2.1. The hazard must be one that an average, everyday worker with reasonable training and experience would consider dangerous.
 - 5.3. The danger is unusual: Work refusals don't apply to dangers that are a normal part of the job.
 - 5.4. The refusal doesn't endanger anyone else: refusals are not permitted if they endanger the health and safety of another person.

REGULATIONS

1. Employees will be familiar with the requirements of the Alberta Occupational Health and Safety Legislation and the Horizon School Division Health and Safety program and while engaged in their occupation shall:
 - 1.1. take reasonable care to protect the health and safety of the worker and others persons,
 - 1.2. cooperate with the worker's supervisor or employer or any other person for the purposes of protecting the health and safety of the worker and others,
 - 1.3. when required, use all devices and wear all personal protective equipment designated provided for the worker's protection by the worker's employer or required to be used by legislation,
 - 1.4. refrain from causing or participating in harassment or violence,
 - 1.5. report to the employer or supervisor a concern about an unsafe or harmful work site act or condition,
 - 1.6. cooperate with any person exercising a duty imposed by OHS legislation, and
 - 1.7. comply with OHS legislation.
2. The Horizon School Division shall ensure, as far as it is reasonably practicable to do so,

- 2.1. the health and safety and welfare of working staff and others at the worksite,
 - 2.2. that the employer's workers are aware of their rights and duties under OHS legislation and of any health and safety issues arising from the work being conducted at the work site,
 - 2.3. that none of the employer's workers are subjected to or participate in harassment or violence at the work site,
 - 2.4. that the employer's workers are supervised appropriately,
 - 2.5. that the employer consults and cooperates with the joint work site health and safety committee or the health and safety representative, as applicable, to exchange information on health and safety matters and to resolve health and safety concerns,
 - 2.6. that health and safety concerns raised by workers, supervisors, self-employed persons and the joint work site health and safety committee or health and safety representative are resolved in a timely manner,
 - 2.7. that on a work site where a prime contractor is required, the prime contractor is advised of the names of all of the supervisors of the workers, and
 - 2.8. that workers are adequately trained to protect their health and safety.
3. All contractors shall meet the Horizon School Division health and safety requirements and Occupational Health & Safety legislation.
 - 3.1. A contractor services safety orientation shall be provided to a contractor representative prior to the commencement of any work done by a contractor who is new to working within the Division.
4. The Horizon School Division shall establish joint site-specific health and safety committees or utilize a work site health and safety representative, as applicable, and have an ongoing process of both formal and informal health and safety inspections of all facilities and job sites.
 - 4.1. All Division employees are responsible for participating in and contributing to the inspection program by conducting informal inspections (visual/observational) on a daily basis and prior to the commencement of work.
 - 4.2. Site-specific health and safety committee members or health and safety representatives shall participate in quarterly formal inspections.
 - 4.2.1. The frequency of formal inspections may be increased based on the level of risk.
 - 4.3. All deficiencies noted from the inspection process shall be documented and reported to the Associate Superintendent of Finance and Operations so corrective measures are put in place and subsequently monitored for completion.
 - 4.4. Principals/Site Supervisors are responsible for directing and documenting formal inspections on job sites that they oversee and for involving workers in such inspections.

- 4.5. Site specific health and safety committee members or health and safety representatives shall partake in training.
5. All employees will receive appropriate orientation and training for their jobs or assigned tasks that shall include but is not limited to:
 - 5.1. an introduction to Division Workplace Health and Safety practices;
 - 5.2. emergency procedures;
 - 5.3. a review of hazard assessments and relevant controls;
 - 5.4. procedures and requirements for reporting hazards or incidents;
6. Refusal to Work
 - 6.1. Every work site party is accountable for workplace health and safety and as such, all parties have responsibilities and obligations.
 - 6.2. An employee has the right to refuse work if the employee believes on reasonable grounds that there is a dangerous condition at the work site or that the work constitutes a danger to the employee's health and safety or to the health and safety of another employee that are outside the specific field of work and normal duties or tasks (see Appendix A – work refusal flowchart).
 - 6.2.1. Employers and Employees must distinguish this work refusal procedure from due diligence associated with the recognition, reporting and correction of workplace safety hazards.
 - 6.2.1.1. Due diligence is the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do in a particular position and under particular circumstances. It is understood that there are workplace safety hazards that are associated with work assigned to employees. These safety hazards are identified via hazard assessments for the employee's position with controls that the employer and employee are responsible for implementing. The hazard assessments are reviewed annually through notification from Public School Works (PSW) and updated whenever a new working condition exists that has potential hazards.
 - 6.2.1.2. Employees have a duty to take reasonable care to ensure the safety of themselves and their coworkers; this includes following safe work practices and complying with regulations.
 - 6.2.1.3. Employers have a duty to provide reasonable efforts to comply with legislation through OHS policies, practices, and procedures that demonstrate workplace safety requirements.
 - 6.2.2. Employees must first notify their principal/ site supervisor if they believe on reasonable grounds that a dangerous condition exists which constitutes a credible danger to themselves or that of another person. The employee completes **Section A** of the "Work Refusal Investigation Form" (Appendix B). This form is reviewed with the principal/site supervisor (e.g. principal or site supervisor) to ensure that the employee is aware of the recommended hazard controls that have been put in place by the employer and the

employee has considered the hazard controls they can put in place as an employee. Hazards controls may include personal protective equipment (PPE) (e.g. masks/gloves/eye protection), engineering controls (e.g. safety guards), and administrative controls (e.g. safe work practices/cleaning protocols/ behavior plans for students).

- 6.2.2.1. The principal/site supervisor must review and discuss **Section A** of the “Work Refusal Investigation Form” (Appendix B) with the employee and within one workday investigate the circumstance of the refusal to work.
- 6.2.3. If the refusal to work is associated with a health-related concern, the form should be forwarded to Human Resources department by the principal/site supervisor.
- 6.2.4. The principal/site supervisor may take immediate remedial action necessary to address the dangerous condition(s) or ensure that such an action is put in place.
- 6.2.5. If the safety concern from **Section A** has been addressed, the principal/site supervisor will submit the “Work Refusal Investigation Form” to OHS Management Committee via the Associate Superintendent of Finance and Operations. The work refusal is considered resolved.
- 6.2.6. If the dangerous condition or the danger to the employee’s health and safety or to the health and safety of another employee or another person is not remedied after the above investigation and actions taken by the principal/site supervisor, the employee who refused to perform the work, may proceed to **Section B** of “Work Refusal Investigation Form” (See Appendix B) and file a complaint with the OHS Management Committee.
 - 6.2.6.1. When a worker continues to refuse to work or to do particular work, the employer shall not request or assign another worker to do the work until the employer has determined that the work does not constitute a danger to the health and safety of any person or that a dangerous condition does not exist.
 - 6.2.6.2. Where the employer assigns another worker to do the work, the employer shall advise that worker, in writing (**Appendix C**), of
 - 6.2.6.2.1. the first worker’s refusal,
 - 6.2.6.2.2. the reasons for the refusal,
 - 6.2.6.2.3. the reason why, in the opinion of the employer, the work does not constitute a danger to the health and safety of any person or that a dangerous condition is not present, and
 - 6.2.6.2.4. that worker’s right to refuse to do dangerous work under this section.
- 6.2.7. On receiving the **Section B** complaint, the OHS Management Committee shall assign an OHS Investigative Team to the matter within 5 working days. The OHS Investigation Team will decide whether there is a dangerous condition or whether the work the employee has refused to do constitutes a danger of the health and safety of the employee or of any other employee or person at the work site. This shall be completed within 15 working days upon being assigned.
- 6.2.8. If the OHS Investigative Team determines that there is a dangerous condition or a danger to the employee’s health and safety or to the health and safety of any other employee or person at the work site, the OHS Investigative Team shall:

- 6.2.8.1. make a written report stating the OHS Investigative Team's determination;
 - 6.2.8.2. make any order under the *Alberta Occupational Health and Safety Act* that the OHS Investigative Team considers necessary; and
 - 6.2.8.3. give a copy of the report and order to the employee, principal/site supervisor and the site-specific Joint Health and Safety Committee, or health and safety representative, if applicable.
- 6.2.9. If the OHS Investigative Team determines that a dangerous condition is not present, the committee shall, in writing:
- 6.2.9.1. inform the principal/site supervisor and the employee of the determination;
 - 6.2.9.2. inform the site-specific Joint Health and Safety Committee, or health and safety representative, if applicable, of the determination; and
 - 6.2.9.3. inform the employee that they no longer are entitled to refuse to do the work.
- 6.2.10. Every reasonable effort shall be made to resolve any dangerous work conditions that may exist as soon as reasonably practical however, if the dangerous condition is not considered remedied by the employee after 6.2.9 above, the employee or any person present during the inspection may file a complaint with Alberta Occupational Health and Safety who will assign an Officer to investigate (www.alberta.ca).

Appendix A – Work Refusal Flow Chart

Work Refusal Flow Chart

START HERE

Employee believes on the reasonable grounds that there is a dangerous condition at the work site or work is dangerous to the employee or other persons, and completes the Work Refusal Investigation Form A (Appendix B - Work Refusal Investigation Form "A" Section A)

The principal/site supervisor must review and discuss Section A of the "Work Refusal Investigation Form" (Appendix B)

If Work Refusal is related to the employee's personal health concern, send form to Human Resources

The principal/site supervisor finds ground for remedial action and ensures such action is taken. If the safety concern from Section A has been addressed, the principal/site supervisor will submit the "Work Refusal Investigation Form" to OHS Management Committee via the Associate Superintendent of Finance and Operations. The work refusal is considered resolved

Employee can return to work

If the dangerous condition or the danger to the employee's health and safety or to the health and safety of another employee or another person is not remedied after the above investigation and actions taken by the principal/site supervisor, the employee who refused to perform the work, may proceed to **Section B** of "Work Refusal Investigation Form" (Appendix B) and file a complaint with the OHS Management Committee via the Associate Superintendent of Finance and Operations

On receiving the Section B complaint, the OHS Management Committee shall assign an OHS Investigative Team. The OHS Investigative Team will decide whether there is a dangerous condition or whether the work the employee has refused to do constitutes a danger of the health and safety of the employee or of any other employee or person at the work site

If the OHS Investigative Team determines there is a dangerous condition they shall:

- make a written report stating the OHS Investigative Team's determination
- make any order under the Alberta Occupational Health and Safety Act that the OHS Investigative Team considers necessary; and
- give a copy of the report and order to the employee, principal/site supervisor, the Site-specific Health and Safety Committee or site health and safety representative (if applicable), and the OHS Management Committee

If the OHS Investigative Team determines there is not a dangerous condition they shall:

- inform the principal/site supervisor and the employee of the determination
- inform the Site Health and Safety Committee of the determination; and
- inform the employee that they no longer are entitled to refuse to do the work.

Every reasonable effort shall be made to resolve any dangerous work conditions that may exist as soon as reasonably practical however, if the dangerous condition is not considered remedied by the employee after the above, the employee or any person present during the inspection may file a complaint with Alberta Occupational Health and Safety who will assign an Officer to investigate (www.alberta.ca).

Appendix B - Work Refusal Investigation Form “A”**SECTION A**

INVESTIGATION DETAILS (completed by the assigned OHS Investigative Team)		
Date & Time of Investigation:		
OHS Investigative Team Member(s):		
Observations of existing conditions and hazards during investigation (please provide specific details):		
Does the Investigative Team agree that hazardous conditions exist? <input type="checkbox"/> YES - Complete Action Plan <input type="checkbox"/> NO		
RECOMMENDED ACTION PLAN TO RESOLVE CONCERN (completed by Investigative Team)		
Action	Target Date	Completion Date
<input type="checkbox"/> This Action Plan is agreed upon by both the Employee and Principal/Site Supervisor. Resolution of Work Refusal. <input type="checkbox"/> This Action Plan is not agreed upon by both the Employee and Principal/Site Supervisor. The employee or any other person present during the investigation may file a complaint with Alberta Occupational Health and Safety. (https://www.alberta.ca/file-complaint-online.aspx#toc-1)		
Employee Signature:	Date:	
OHS Investigative Team Worker Representative Signature:	Date:	
OHS Investigative Team Management Representative Signature:	Date:	

SECTION B

DETAILS OF WORK REFUSAL (to be completed by the employee)	
Employee Name:	Date & Time Reported:
Site / Location:	Room #:
Principal/Site Supervisor Name:	Position:
Employee's reason for work refusal (please provide specific details):	
Has the employee's hazard assessment been reviewed for identified controls put into place and implemented? (PPE, Engineering Controls, Administrative Controls).	
What hazard controls have been put in place by the employer?	
What hazard controls has the employee put into place to keep themselves safe?	
Has the employee reviewed the safety plans and procedures relative to their job? (e.g. Student Behavior Plans, Safe Work Practices, Hazard Assessments, PPE)	
INTERNAL RESOLUTION (Principal/Site Supervisor Response)	
<input type="checkbox"/> Job is felt to be safe. <input type="checkbox"/> Job is not safe. To be made safe by completion of recommendations below. <input type="checkbox"/> For the privacy of the employee if the reason for work refusal is associated with an employee personal health-related concern, Human Resources will contact the employee to review the health-related concern.	
Recommendations / Immediate Action Taken (if any):	
<input type="checkbox"/> I agree that my safety concern has been addressed. <input type="checkbox"/> I do not agree that my safety concern has been addressed.	
Employee Signature	Date:
Principal/Site Supervisor Signature	Date:
The Principal/Site Supervisor submits Section A to Associate Superintendent of Finance and Operations	

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Appendix B - Work Refusal Investigation Form "B"

Internal documentation

To be completed by the OHS Management Committee

<p>If the dangerous conditions was not considered remedied by the employee or any person present during the investigation, a complaint with Alberta Occupational Health and Safety may be filed.</p>		
<p>Date OHS Contacted:</p>	<p>Date OHS Arrived:</p>	<p>Date OHS Report Received:</p>
<p>OHS Investigation Notes (Findings, Decision, Orders Written, etc.):</p>		

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Appendix C - Work Refusal Alternate Employee

Internal documentation

*To be completed by the Principal/Site Supervisor and forwarded to
Associate Superintendent of Finance and Operations*

ASSIGNMENT OF ALTERNATIVE EMPLOYEE TO PERFORM WORK	
Alternative Employee Name:	
<input type="checkbox"/> I have been informed of the work refusal on this work assignment and the reasons for it. I understand my right to refuse this assignment for the same or different reasons than stated above.	
Alternative Employee Signature:	Date:
<input type="checkbox"/> I confirm that the nature and circumstances of this refusal have been conveyed to the person named above.	
Principal/Site Supervisor Signature:	Date: