

TOPIC: Right to Refuse COVID-19 Edition

ACKNOWLEDGE: Thank you for being here and participating in this safety talk. I know your time is valuable, so I will ensure every moment of this talk is worth your while (*make eye contact with the entire group*).

Training Tips:

Ask a lot of questions: While delivering your Safety Talk, ask questions that ‘hook the mind’ and engage your participants. The simple act of asking questions is a High Impact Training technique!

Raise a hand when asking questions: Directed to your audience, you’ll often find that people are more willing to answer your questions and become active participants... try it out! Also, pause for a moment after asking a question, waiting for and encouraging responses from the group.

Provide an example of a personal experience: (or a recent news event) For instance: “A close friend of mine once _____”, or “Just last week _____”. This is a very effective method to help participants relate to your topic. It often helps them to realize: ‘*Yeah, this could affect me. I should listen to this.*’

What’s in it for Me? (WIIFM): I am here to deliver a brief safety talk on the Right to Refuse Dangerous Work during the COVID-19 situation. It is important for you to understand your Rights as a worker and how to exercise them. Why? Questioning or refusing unsafe work is the fundamental right of every worker. At the same time, did you know that work refusals can also be denied? In Manitoba and surrounding provinces as you can imagine there have been many occurrences of COVID19 work refusals. There is a systematic process in place to mitigate dangerous work refusals. Let us explore!

ASK: Who can you list all of their worker rights? (wait for / encourage responses)

- Your Right to **KNOW**
- Your Right to **PARTICIPATE**
- Your Right to **BE FREE OF DISCRIMINATION**
- And your Right to **REFUSE DANGEROUS WORK**



ASK: What is Considered Dangerous Work?

It is key to note that a **danger to safety and health** is different than a **risk to safety and health**. In order for a task or environment to be classified as dangerous:

- the hazard is generally unusual to the normal working conditions or tasks, or the health or physical condition of the worker increases the risk
- the hazard is likely to result in a serious injury or illness
- reasonable controls have not been put in place to reduce or eliminate the risk

ASK: *Can A Refusing Workers Be Assigned to Other Work?*

The refusing worker can be assigned to alternate work during the refusal process. They should not leave the workplace.

ASK: *What steps must be taken to initiate your right to Refuse Dangerous Work?*

- **Step 1-** Worker must report refusal to their supervisor and explain their beliefs why the work is dangerous. The supervisor and worker assess the risk and remedy if possible.
- **Step 2-** If the employer and worker are unable to resolve the concern, a worker representative or another worker can be consulted to attempt to remedy the situation.
- **Step 3-** If the situation still cannot be resolved and the worker still feels the work is dangerous, the Workplace Safety and Health Division can be contacted to investigate, where they will render a decision.

ASK: *Do workers continue to get paid during a Work Refusal?*

During the refusal process, the worker must continue to be paid unless the Director of Workplace Safety and Health grants an exemption to the employer. If a Safety and Health Officer determines the worker can return to work and the worker continues to refuse, the employer is no longer required to pay the worker.

ASK: *Can Another Worker Be Brought in to do the Work?*

- It is possible for work to be safe for one person to perform but not another. This may be due to the workers' training, medical conditions etc.
- If an alternate worker is brought in to complete the task of the refusing worker, the alternate worker must be informed of the work refusal, the reasons for it and why the employer feels the work can continue safely.
- Where possible, arrangements should be made for the refusing worker and the alternate worker to communicate to ensure the situation is clearly understood by all parties.

Questions to Determine the Exposure Risk of COVID-19:

1. Has someone in the workplace been confirmed to have virus (symptomatic) or very likely exposed to the virus? For example, are co-workers, clients or patients under isolation that was recommended by Public Health?
2. Is it likely that the workplace a known or high-risk source of the virus? For example, healthcare settings, venues with large crowds, such as cruise ships, airports, arenas etc.
3. Is the refusing worker likely to be exposed to the virus while performing the work? For example, does the work involve close interaction with many people or happen in a high-risk area within the workplace – work in the emergency room versus the work in the maintenance area of a hospital – these have different levels of risk.



4. Does the worker have a pre-existing medical condition that places them at increased risk of serious illness should they be exposed to the virus? For example, is there a medical note?

If the Risk is High

Determine if Appropriate Controls are in Place:

1. Does the worker have access to adequate handwashing or sanitation facilities?
2. If required, is appropriate protective equipment such as surgical masks, respirators, face shields or gloves available?
3. Is training in place for handwashing, infection control and how to use any required equipment?

Reference: https://manitoba.ca/asset_library/en/coronavirus/workplaces-right-to-refuse-dangerous-work.pdf


Discuss your specific company policy or rules.

STATE: If you have any questions regarding the topics discussed today, please let me know. If I don't have an answer for you now, I will direct your question to another individual, if you are comfortable with that. We want you to be safe and feel safe while at work!

Facilitator, remember to:

1. Ask for the commitment of your employees,
2. Answer all questions,
3. Thank them for their time and
4. Document that this safety talk occurred.

RECORD OF SAFETY TALK

 Company Name: 1Life Workplace Safety Solutions	Work Location Dept.:
Talk Given by:	Date / Time: SAFETY TALK

Results of inspection, demonstration or other activity or suggestions during talk:

List of All Employees Who Attended the Safety Talk:	
Name (PRINT)	Signature
1.	
2.	
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Signed: _____ Position Held: _____