CALGARY SAFETY CONSULTANTS

Work Refusal Investigation Record

How to use this record | Part 1: The refusal

Use this record each time a worker refuses work they believe is dangerous. Complete it as the refusal happens, not afterwards from memory. It follows the process in our guide How to Handle a Work Refusal and works in every Canadian jurisdiction, but the legal steps, who must take part and the notice rules differ, so check the law that applies to your workplace (see the jurisdiction notes on page 6).

How to use this form

- **Start right away.** Fill in Part 1 with the worker's reasons in their own words while you are with them.
- **Work through the parts in order.** Skip a part only if it doesn't apply (for example, Part 7 if no officer was called) and write N/A.
- **Involve the worker representative.** A committee member, representative or chosen worker should see and sign this record.
- **Give copies** to the worker and the committee or representative, and keep the original with your health and safety records.
- **Never file it as discipline.** A good-faith refusal is not misconduct. Keep this record off the worker's disciplinary file.

Record details

Company

Site or location

Record number

Jurisdiction whose OHS law applies

- ☐ Federal
- ☐ Alberta
- ☐ British Columbia
- ☐ Saskatchewan
- ☐ Manitoba
- ☐ Ontario
- ☐ Quebec
- ☐ New Brunswick
- ☐ Nova Scotia
- ☐ Prince Edward Island
- ☐ Newfoundland and Labrador
- ☐ Yukon
- ☐ Northwest Territories
- ☐ Nunavut

Part 1: The refusal report

Date of refusal

Time

Worker's name

Job title or trade

Reported to (name and role)

Worker's supervisor

Task, equipment, place or condition refused

The worker's reasons, in their own words

Example: "The second sling for this lift has broken wires near the eye, and the other rated sling is out for inspection. I don't think it's safe to lift with it." Write what the worker says, not your opinion of it. Ask: What are you worried could happen? Who could be hurt? What would make it safe?

Who the worker believes is at risk

- ☐ Danger to the refusing worker
- ☐ Danger to another worker or person
- ☐ Workplace violence concern
- ☐ Other

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Part 2: Immediate actions

Make the area safe before you investigate. The refusal itself should not leave anyone in danger, such as a suspended load or a half-finished task.

- ☐ The task was stopped and the hazard isolated (lockout, barricade, tag out or shut down, as needed).
- ☐ Other workers were kept clear of the hazard until it was examined.
- ☐ The refusal did not leave anyone else in danger (or steps were taken so it wouldn't).
- ☐ The refusing worker stayed at or near the work in a safe place and remained available for the investigation.
- ☐ The worker was offered reasonable alternative work at no loss of pay (if available).
- ☐ No one was asked to do the refused work while the refusal was unresolved (or Part 6 was completed first).
- ☐ The worker was told the refusal would be investigated and that they would not be penalized for a good-faith refusal.

Alternative work assigned (if any)

Rate of pay unchanged? (yes or no)

Other immediate actions taken

Part 3: Notifications

Several jurisdictions require the employer to inform the joint committee or representative as soon as possible (for example, Alberta and federal workplaces). Record every notification.

Who was notified	Name	Date and time	How (in person, phone, email)
Supervisor or person in charge			
Manager or employer			
JHSC worker co-chair or worker member			
Health and safety representative			
Union representative (if any)			
Other			

Notes on notifications

Tip. If your law requires a committee or representative stage (for example, Saskatchewan, the federal Code or the Atlantic provinces), note the date the matter was referred to them here and in Part 4.

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Work Refusal Investigation Record

Part 4: The investigation

Investigate promptly, at the work, with the worker present. Where your law requires it, include a worker representative: a worker member of the joint committee, the health and safety representative, a worker selected by the union or another worker the refusing worker chooses.

Who took part

Role	Name	Position or committee role	Present
Refusing worker			☐
Supervisor or employer			☐
Worker representative			☐
Committee member (employer side, if required)			☐
Other			☐

Investigation date | **Start time** | **Location**

What was examined

- ☐ The equipment, tool or machine
- ☐ Hazard assessment (JHA)
- ☐ Inspection and maintenance records
- ☐ Photos or measurements taken
- ☐ The work area and conditions
- ☐ Field-level hazard assessment
- ☐ Manufacturer's instructions
- ☐ Statements from other workers
- ☐ The written procedure or safe work practice
- ☐ Training and competency records
- ☐ Recent changes to the work
- ☐ Other

Findings: what the investigation found (facts first, then opinions)

Prompts: Is the hazard the worker described present? How serious could the outcome be, and how likely? Are the usual controls in place and working? Has anything changed today (weather, equipment, crew, materials)? Would a reasonable worker with the same training share the concern?

Worker representative's comments

Refusing worker's comments

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Part 5: Decision

- ☐ A hazard was found and has been remedied
- ☐ A hazard was found; interim controls are in place, permanent fix pending
- ☐ No danger was found; the reasons were explained to the worker
- ☐ The worker is satisfied and has returned to the work
- ☐ The worker continues to refuse (go to Part 7)

Controls put in place (use the hierarchy of controls)

Type of control: elimination, substitution, engineering, administrative or PPE. Prefer the higher levels; PPE alone is the last resort.

Control or remedy	Type of control	Done by	Date

How the decision was explained to the worker (if no danger was found, give the evidence)

The worker's response to the decision

Part 6: Notice to any worker assigned to the refused work

Most jurisdictions restrict giving refused work to another worker while the refusal is unresolved, and require that worker to be told first. BC and Manitoba require written notice that includes the worker's own right to refuse; Ontario requires it in the presence of a worker representative. Best practice everywhere: do all of the following.

- ☐ No other worker was assigned to the refused work (skip the rest of this part).
- ☐ The other worker was told, in writing, about the refusal and the worker's reasons.
- ☐ The other worker was told why the employer believes the work is now safe.
- ☐ The other worker was reminded of their own right to refuse unsafe work.
- ☐ A worker representative was present when the notice was given.

Name of worker assigned

Date and time notice given

Notice given by

Worker representative present

Copy of written notice attached? (yes or no)

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Part 7: Regulator involvement (if the worker continued to refuse)

If the worker still has reasonable grounds to believe there's a danger, the regulator is called. Who must make the call varies: in BC both the employer and worker notify an officer; federally the employer informs the Head of Compliance and Enforcement; in Alberta the worker may notify an OHS officer.

Regulator (agency)

Date and time notified

Notified by

Officer or inspector name

Reference or file number

Date of visit or call

Officer's decision

- ☐ Officer found a danger and issued orders
- ☐ Officer found no danger; worker told in writing
- ☐ Matter resolved before the decision
- ☐ Decision appealed

Order or direction	Compliance date	Action taken	Done
			☐
			☐
			☐
			☐

- ☐ Copies of the officer's findings were given to the worker and the committee or representative as required.
- ☐ All investigation notes, hazard assessments, procedures and records were made available to the officer.

Part 8: Pay and assignment during the refusal

A worker who refuses in good faith should not lose pay. Federal law deems the worker at work until work resumes or the shift ends; Ontario treats the worker as at work and paid during the first stage; Manitoba and the Atlantic provinces require the same wages and benefits (PEI only if reassigned or the refusal is upheld). In Alberta and BC, reassignment at no loss in pay isn't a reprisal; docking pay can be one.

- ☐ The refusing worker was paid their regular wages and benefits for the full period of the refusal.
- ☐ Any alternative work was reasonable and was not a punishment.
- ☐ Payroll was told how to code the time (regular hours).
- ☐ Other workers kept from working by the refusal were paid as your law requires (for example, Quebec and federal workplaces).

Refusal start (date and time)

Refusal end (date and time)

Hours paid

Pay notes

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Part 9: Corrective actions and follow-up

Corrective action	Owner	Due date	Date closed	Closed
				☐
				☐
				☐
				☐
				☐

- ☐ The hazard assessment (JHA or FLHA) for this task was reviewed and updated.
- ☐ The refusal and its outcome were added to the next JHSC meeting agenda or reported to the representative.
- ☐ Lessons were shared with crews (toolbox talk or safety meeting) without naming or blaming the worker.

Part 10: Record review checklist

- ☐ The worker's reasons are recorded in their own words.
- ☐ Every required notification is recorded with dates and times.
- ☐ The right people took part in the investigation for this jurisdiction.
- ☐ Any replacement worker received notice before starting.
- ☐ The worker was paid for the full refusal.
- ☐ No reprisal or disciplinary action was taken for the refusal.
- ☐ Copies were given to the worker and the committee or representative.

Distribution

- ☐ Copy given to the refusing worker
- ☐ Copy given to the committee or representative
- ☐ Copy given to the officer (if requested)
- ☐ Original filed with health and safety records

Lessons learned: what this refusal tells us about our hazard controls, procedures or training

Sign-off	Name	Signature	Date
Refusing worker			
Worker representative			
Supervisor			
Manager or employer			

Jurisdiction notes. Legal tests include danger (federal, Manitoba, Quebec), undue hazard (Alberta, BC), unusually dangerous (Saskatchewan), likely to endanger (Ontario, New Brunswick, Nova Scotia, Prince Edward Island) and unusual danger (NWT, Nunavut). Read How to Handle a Work Refusal at calgarysafetyconsultants.ca/safety-guides/committees/work-refusal/ or call Calgary Safety Consultants at 1-888-231-0358.

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