

INVESTIGATION INTO REFUSAL TO WORK, DANGEROUS OCCURRENCES AND ACCIDENTS

An accident is any unplanned event that causes injury. A dangerous occurrence is any event that “could have” injured someone. “Incident” describes both accidents and dangerous occurrences.

Employees can refuse to do work when he or she has reasonable grounds to believe that the work is dangerous to themselves or others health or safety.

Proper investigation and documentation of work refusals are crucial to resolving the refusal and correcting any circumstances that led to the refusal.

- Sufficient steps must be taken to satisfy the worker that the condition of work is safe and healthy or;
- The Workplace Safety and Health Committee has investigated the matter and advised the worker otherwise.

Definitions

Workplace Safety and Health Division considers an incident to be serious if it results in:

- Death, or serious injury (as defined below);
- Collapse or structural failure of a building, tower, crane, hoist, temporary construction;
- Support system or excavation;
- An uncontrolled spill or escape of a toxic, corrosive or explosive substance;
- Explosion, fire or flooding.

Serious injuries are defined as:

- Fracture of a major bone.
- Amputation.
- Loss of sight.
- Internal hemorrhage.
- Third degree burns.
- Unconsciousness resulting from concussion, electrical contact, asphyxiation.
- Poisoning.
- Cuts requiring hospitalization or time off work.
- Any injury resulting in paralysis.
- Any other injury likely to endanger life or cause permanent disability.

ACCIDENT/INCIDENT, DANGEROUS OCCURRENCES AND REFUSALS TO WORK INVESTIGATION

The Seven Oaks School Division investigates accidents and incidents not to find fault or lay blame. The School Division wants to identify the basic causes of incidents so that controls can be put in place to prevent further occurrences.

The Seven Oaks School Division Accident Investigation Team will participate in the investigation of all serious accidents/incidents (see definitions). The Division will provide training to the Team members (an overview is included in the appendix). The Team will consist of members from the School's Workplace Safety and Health Committee, both Workplace Safety and Health Steering Committee Co-chairs or other members from that committee, the worker's representative and the supervisor of the area where an accident/incident took place.

The supervisor is responsible for ensuring appropriate preventative measures are taken.

The degree to which an accident/incident is investigated is dependent on its severity and potential to re-occur.

The employer and the Workplace Safety and Health Steering Committee will review all time loss injuries at quarterly meetings.

The Workplace Safety and Health Steering Committee must investigate serious incidents involving:

- Death or serious injury (see definitions).
- Collapse or structural failure of building, tower, crane, hoist, temporary construction support system, excavations.
- An uncontrolled spill or escape of a toxic, corrosive or explosive substance.
- Explosion, fire, flooding.
- Support system or excavation.

In addition, the Manitoba Workplace Safety and Health Division may conduct their own investigation.