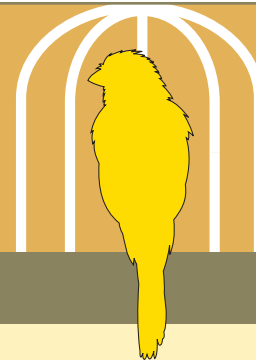


Refusing Unsafe Work



HEALTH AND SAFETY FACT SHEET

CUPE / Canadian Union
of Public Employees

The right to refuse unsafe work

is one of the three basic health and safety rights achieved by the labour movement, along with the right to know about the hazards in your workplace, and the right to participate in workplace health and safety decisions. While procedures and circumstances around the right to refuse may vary from province to province, just about all workers have the legal right to a healthy and safe workplace that allows (and in some provinces obligates) them to protect their own safety by refusing to perform work that they believe has the potential to harm themselves or others at the worksite.

How can I refuse unsafe work?

Exercising the right to refuse typically involves setting in motion a series of steps to resolve the unsafe or dangerous situation. While these steps vary slightly by jurisdiction, the following is a typical work refusal procedure:

1. Workers must report to their supervisor that they are refusing to perform work because they believe it is unsafe.
2. If the situation isn't immediately corrected, the worker, supervisor, and a health and safety committee member or worker representative investigates.
3. The worker can resume their work if the unsafe condition is resolved with mutual agreement.
4. If the condition is not resolved, a government health and safety inspector is called to investigate and provide a decision in writing.
5. If an inspector rules that there is no danger, then legally you must return to work and there may be discipline if you don't. But remember: no job is worth your life. If you truly feel that there is a danger to your life or risk of injury, continue to refuse, and seek help from your local.

Sections of legislation which refer to the right to refuse work in each jurisdiction

British Columbia	Workers' Compensation Act, Occupational Health and Safety Regulation Section 3.12 and 3.13
Alberta	Occupational Health and Safety Act Sections 35 and 36
Saskatchewan	Saskatchewan Employment Act Section 3-31
Manitoba	Workplace Safety and Health Act Sections 42 and 43
Ontario	Occupational Health and Safety Act Sections 43 to 50
Quebec	Act Respecting Occupational Health and Safety Sections 12 to 31
New Brunswick	Occupational Health and Safety Act Sections 19 to 23
Nova Scotia	Occupational Health and Safety Act Sections 43 to 45
Newfoundland and Labrador	Occupational Health and Safety Act Sections 45 to 49
Prince Edward Island	Occupational Health and Safety Act Sections 28 to 31
Canada	Canada Labour Code, Part II Sections 128 to 131

Can I be disciplined or fired for refusing to work or raising concerns?

You cannot be disciplined for complying with the legislation, and there are provisions in the law to protect you from reprisals. Also note, no other worker should be assigned to do the work unless they have been informed of the work refusal and the reasons for the refusal.

If your employer or supervisor takes actions, makes remarks, or implies that you will be disciplined for refusing unsafe work, contact your union immediately.

Right to refuse cards

CUPE has wallet-sized cards explaining the right to refuse process in your jurisdiction. They can be distributed to members in your local. To order, go to cupe.ca/health-and-safety

Who can help?

CUPE members with a safety concern should speak to their union steward or a union-appointed member of their health and safety committee. You can also contact your CUPE staff representative, who can put you in touch with a regional health and safety specialist.

For more information:

CUPE National Health and Safety Branch

1375 St-Laurent Boulevard

OTTAWA, ON K1G 0Z7

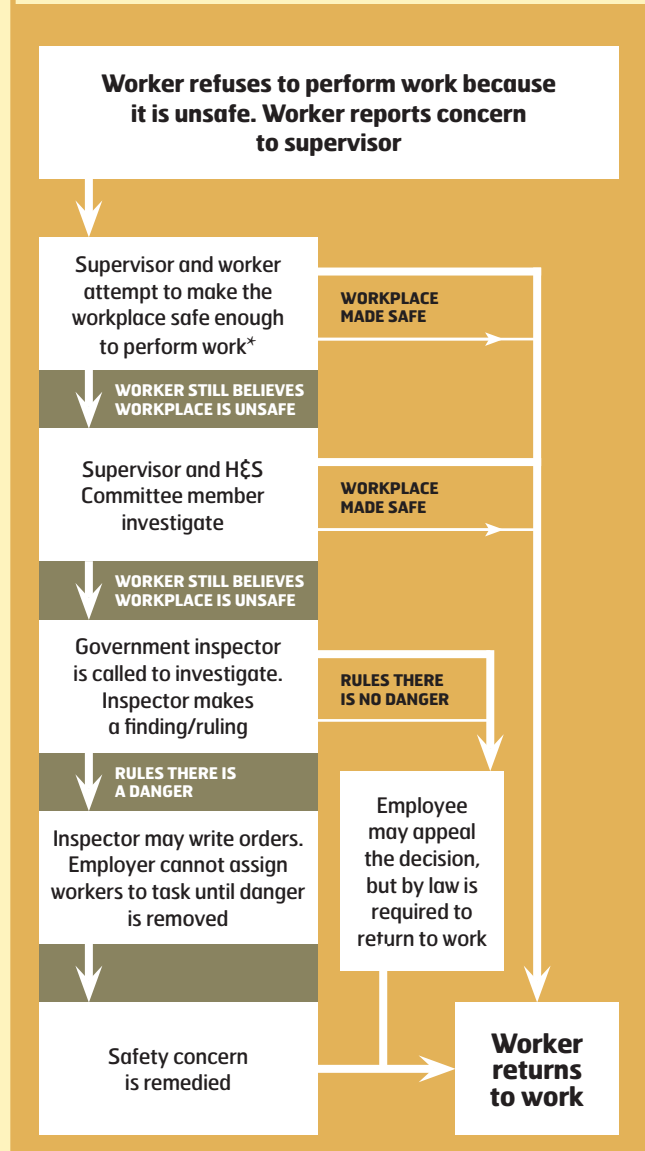
Tel: (613) 237-1590

Fax: (613) 237-5508

Email: health_safety@cupe.ca

Web: cupe.ca/health-and-safety

WORK REFUSAL PROCESS



*In Ontario and Quebec, the process begins in the next step. The member of the joint committee or a health and safety representative must be present for the initial investigation

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CHECK OUT OUR WEBSITE! cupe.ca/health-and-safety

• more fact sheets and guidelines on a wide range of topics • the latest health and safety news • The Canary: CUPE's health and safety newsletter