



A series of bulletins intended to keep members informed and safe

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Subject: The Right to Refuse Dangerous Work

One of the basic rights for employees is the right to refuse work that they believe presents a danger to themselves or another employee. It is very important to follow the correct procedure when refusing to do dangerous work.

In order to exercise the right to refuse, you must have reasonable cause to believe that a condition is a danger to you or that the use of a machine or thing at work presents a danger to you or to another employee. The right to refuse dangerous work should not be abused. It is there to protect the employee.

Who has the right to refuse?

TWU members have the right to refuse dangerous work as long as:

- the refusal does not put the life, health or safety of another person directly in danger; or
- the danger in question is not a normal condition of employment.

Process for refusing dangerous work

1. Contact your manager, supervisor or foreman right away. Explain why you feel a job is unsafe. The manager must investigate and, in most cases, will resolve your concern.
2. If you don't get a satisfactory response, let the manager know and contact your workplace Health & Safety Committee or representative or, if unavailable, your shop steward. This will start the joint investigation process.
3. Following the investigation, should management disagree with you on the existence of danger, and you still feel unsafe, inform the manager of the continued refusal. Management will then inform the workplace committee or Health and Safety representative and notify a Health and Safety officer.
4. Before the Health and Safety officer investigates, the employer has the right to:
 - ask the employee to remain at a safe location nearby; or
 - ask the employee to do other work; and
 - assign alternate work to employees affected by the refusal to work.

Management cannot assign someone else to do a job that has been refused, unless the other employee is qualified to do the job; the other person is informed about the refusal and the reasons for the refusal; and the employer is satisfied that the other employee will not be put in danger.

For more detailed information, visit the TWU website: www.twu-canada.ca/safety/english.shtml.

TWU National Health & Safety Committee

