

# THE RIGHT TO REFUSE. IT'S THE LAW, USE IT!

## HOW THE RIGHT TO REFUSE WORKS

Under the Canada Labour Code, Part II, Section 128, you have the right to refuse unsafe, unhealthy work.

### EMPLOYEE

If you have reason to believe the work is likely to cause danger to you or someone else, report the problem to your employer (supervisor) and to a member of the health and safety committee. Employees, cannot under the law be disciplined for refusing unsafe work under Section 128.

### EMPLOYER (SUPERVISOR)

Investigates in the presence of the employee and, if they agree that a danger exists, immediate action takes place to correct the danger. The employer must then inform the Health and Safety Committee in writing of the matter and the action taken to resolve it.

### EMPLOYEE

You can continue to refuse if you believe the matter is not resolved. Immediately report to the employer (supervisor) and the Health and Safety Committee they will investigate with the employee and file a report.

### SAFETY OFFICER (HEAD)

If you believe there are "reasonable grounds" to continue to refuse then the employer must notify a safety officer. They will investigate in the presence of the employee or the employee's representative and the employer.

### EMPLOYEE

Pending the Safety Officer's decision you should remain at a safe location nearby or you may be reassigned to reasonable alternate work at no loss of pay. No other worker can be assigned to do the work you have refused pending the Minister's decision unless they are advised of your refusal.

### APPEAL

Section 129 (7) provides 10 days to appeal. While the appeal is in progress, you must return to work. If you do not go back to work you are no longer protected by the Code.

## YOUR RIGHT TO KNOW: WHMIS

### Workplace Hazardous Materials Information System



UNITED STEELWORKERS DISTRICT 3

☎ 1.888.337.8233    🌐 [usw.ca/district3](http://usw.ca/district3)

📱 @uswdistrict3