

Your right to refuse dangerous work

Workplace safety and health is everyone's concern and everyone's right

Hazards in the workplace

Have you ever come across work involving safety and health hazards that were not normal for the job? You must immediately report hazards and dangerous conditions to your supervisor in order to prevent workers from becoming injured or ill. In most cases, the situation is solved by removing the hazard. If the situation is not corrected, you can exercise your right to refuse work.

What is the right to refuse?

Under the law, (*The Workplace Safety and Health Act*), you have the right to refuse work for anything that you reasonably believe is a danger to your safety and health or the safety and health of others. This could be something you believe will cause immediate and serious, or long term effects on your safety and health or the safety and health of others.

Remember... you cannot be disciplined for exercising your right to refuse in good faith and you are entitled to the same wages and benefits that you would have received had the refusal not taken place. Your employer may re-assign you temporarily to alternate work while the situation is being remedied. Stay at your workplace for your normal working hours unless your employer gives you permission to leave.

What is dangerous work?

"Dangerous" work generally means: work involving safety and health risks that are not normal for the job.

What are the steps involved?

Step 1 – Report the dangerous condition

Report immediately to your employer, supervisor, or to any other person in charge at the workplace, giving your reasons for refusing to work. If the matter is solved to your satisfaction, go back to work. If the employer does not correct the dangerous condition, go to Step 2.

Step 2 – Involve the safety and health committee, representative or another worker

If the employer does not correct the dangerous condition immediately, the person who received the report of refusal to work (or a person designated by them) must inspect the dangerous condition in the presence of the refusing worker and one of the following persons:

- If there is a safety and health committee in the workplace, the worker co-chair, or if they are unavailable, a committee member who represents workers;
- The workplace safety and health representative; or
- If there is no safety and health committee member or representative available, another worker selected by the worker who is refusing to work.

If this inspection results in the matter being solved to your satisfaction, go back to work. If the dangerous condition is still not remedied, go to Step 3.

(see next page)

SAFE Work Manitoba contact information:

Winnipeg: 204-957-SAFE (7233)

Toll-Free: 1-855-957-SAFE (7233)

Publications and resources available at: safemanitoba.com



Step 3 – Contact the Workplace Safety and Health Branch

If, after the inspection in Step 2, the dangerous condition has not been removed, any of the persons present during the inspection may notify the Workplace Safety and Health Branch by calling 204-957-SAFE (7233) in Winnipeg or 1-855-957-SAFE (7233) outside of Winnipeg. The notification of the right to refuse is given high priority within the branch to resolve (a safety and health officer is available 24 hours a day, 7 days a week to respond to emergencies). A safety and health officer will investigate the matter promptly and decide whether the job situation or task the worker has refused is dangerous to the safety or health of the worker or any other worker or person at the workplace.

If the officer decides that the job situation or task the worker has refused is dangerous to the safety or health of the worker or any other worker or person at the workplace, they will provide the refusing worker, each committee co-chairperson, or the representative, and the employer with a written report stating their findings. They will also issue improvement orders or stop work orders to the employer as necessary to correct the dangerous condition.

If the officer decides that the work being refused is not dangerous, they will inform the employer and the refusing worker of that decision in writing, and inform the worker that he or she is no longer entitled to refuse the work.

Appealing an officer's decision

Anyone directly affected by an officer's decision may appeal it to the Director of Workplace Safety and Health. A notice of appeal must list any persons interested in the appeal, and the Director must give those listed in the appeal the opportunity to provide information on the appeal. The Director will then make a decision about the appeal, and provide written reasons for the decision to those affected. The decision of the Director may be appealed to the Manitoba Labour Board.

Re-assigning refused work

Employers must ensure the following have taken place before assigning work that has been refused for safety and health reasons to an alternate worker:

- The employer has provided the alternate worker with a written copy of the reasons for the first worker's refusal, information on the worker's right to refuse dangerous work and the reason why the task does not present a danger to the safety and health of the alternate worker, another worker or any person.
- In addition, where practicable, the worker who has refused work has advised the alternate worker of the work refusal and the reasons for it.
- An inspection of the dangerous condition has occurred and remedial action has been taken to correct the condition.

Reference to legal requirements under workplace safety and health legislation:

- Workers' Rights: Workplace Safety and Health Act W210 – Section 2
- Appeals: Workplace Safety and Health Act W210 – Section 37
- Right to Refuse Dangerous Work: Workplace Safety and Health Act W210 - Section 43

Additional workplace safety and health information available at: www.safemanitoba.com

- Bulletin 231: Worker rights and responsibilities
- Right to refuse template for employer
- FAQ: What work can I refuse?
- General responsibilities fact sheet

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