

# UNDERSTANDING THE RIGHT TO REFUSE UNSAFE WORK

The WHSC offers a variety of training programs and information services aimed at helping you to understand the legally mandated rights and responsibilities of all workplace parties. Connect with us.

Training for What Matters Most

## Knowing Your Rights and Responsibilities – An Important Step Towards

### SAFER, HEALTHIER WORKPLACES

Established in 1979, the Workers Health and Safety Centre (WHSC) is Ontario's foremost health and safety training and information service provider. We are **Ontario's legally designated** health and safety training centre.

Our early years were spent developing and delivering training and other information resources aimed at helping workers and other workplace parties to understand their **rights and responsibilities** outlined in the newly secured *Occupational Health and Safety Act (the Act)*. To this day, this type of training and information service remains central to our mandate.

WHSC has assisted thousands of workplaces to comply with legal training requirements. Many workplaces want to go **beyond minimum standards** to meet all the specific training needs of their workforce. In response, we've developed an extensive range of up-to-date hazard-specific and industry-specific training programs.

Health and safety law places the **greatest onus on employers** to ensure safe and healthy work environments. Examples of employer obligations include:

- ▶ establishing an effective hazard control program that takes into account health and safety measures, emergency procedures, access to current safety data sheets and proper labeling of hazardous materials;
- ▶ providing training to protect both the health and immediate safety of workers;
- ▶ ensuring equipment, materials, and protective devices are maintained in good working order; and
- ▶ taking every precaution reasonable in the circumstances to protect workers.

For workers, knowing and acting upon your rights can help lead to safer and healthier work environments. As a worker:

- ▶ you have the **right to know** about any potential hazards in your workplace and the duty to inform your supervisor about any workplace hazard of which you are aware;
- ▶ you have **the right to participate** through your joint health and safety committee or health and safety representative in the process of identifying hazards and recommending measures to eliminate or prevent hazardous exposures; and
- ▶ you have **the right to refuse** work you believe is likely to endanger your immediate or long term health or that of another worker.

### Posting this

## RIGHT TO REFUSE RESOURCE

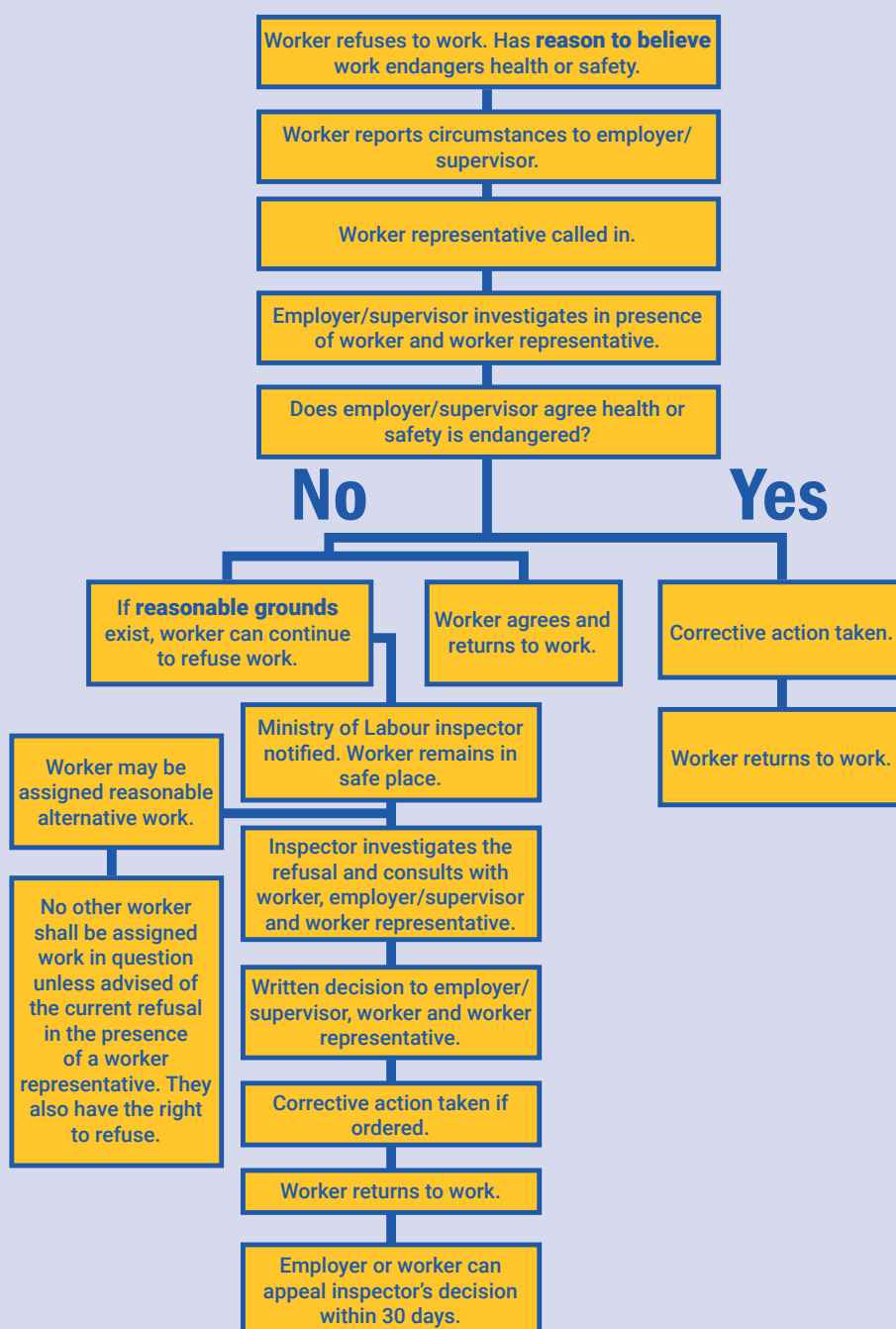
### in Your Workplace

This is an awareness resource for workers, supervisors and others in your workplace. **Post it in a prominent location** to help clarify when a worker can refuse unsafe work and to remind all workplace parties of the important steps in a work refusal.

# REPORTING AND REFUSING UNSAFE WORK

# IT'S THE LAW IT'S YOUR LIFE

## Key steps in a Work Refusal



## Do all workers have the right to refuse unsafe work?

According to Section 43 of Ontario's *Occupational Health and Safety Act*, workers have the right to refuse work they feel is likely to endanger their health or that of another worker. Though some workers, including police officers, firefighters, teachers and health care workers have restrictions on their right to refuse.

## When can a worker refuse unsafe work?

Workers can refuse work when they have **reason to believe** it is likely to endanger their immediate or long-term health or that of another worker. In this initial phase of a work refusal, reason to believe is an honest, personal feeling by the refusing worker.

## Is there a specific process to be followed by workers, employer/supervisors and other workplace parties?

The refusing worker must immediately tell their employer/supervisor they believe the work is unsafe. The refusing worker must make it clear this is a refusal according to Section 43 of the *Act*. Workplace parties must then follow the work refusal process outlined in Section 43.

## What if the situation is not resolved following the initial investigation?

The worker can continue to refuse if they have **reasonable grounds** for believing the work is unsafe. Reasonable grounds means the worker has some objective basis for the continued refusal.

## Can a refusing worker face discipline?

It is against the law for an employer to punish a worker for refusing work they believe to be unsafe.

Want to learn more?



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