

BUILDING OUR UNION



UNIFOR

Health and Safety
Department, 2013

205 Placer Court
Toronto, Ontario M2H 3H9

1-800-268-5763

fax: (416) 495-6552

healthandsafety@unifor.org
www.unifor.org



HS-E-4088



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**FEDERAL
JURISDICTION**

You have
the right to
**refuse
unsafe
work.**

use it!



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HOW THE RIGHT TO REFUSE WORKS

Under the Canada Labour Code, Part 2, Section 128, you have the right to refuse unsafe or unhealthy work. If you have reason to believe the work is likely to endanger you or someone else, this is what you do.

WORKER

Report the problem to your employer or supervisor and to a union member of the health and safety committee. It is illegal for the employer to discipline workers for refusing unsafe work (S. 147).

SUPERVISOR (EMPLOYER)

Takes remedial action or investigates in the presence of the worker and at least one member of the health and safety committee.

WORKER

If you still believe there are reasonable grounds to continue to refuse then the employer must notify a health and safety officer.

HEALTH AND SAFETY OFFICER

Investigates and decides on needed remedial action in the presence of the employer, the worker and the worker's representative.

WORKER

Until the officer's decision you should remain in a safe location nearby or you may be reassigned to reasonable alternate work at no loss in pay. No other worker can be assigned to do the work you have refused pending the officer's decision unless advised of your refusal and your reasons. Workers affected by your refusal must be paid (S. 128.1).

APEALS

If you disagree with the officer, you may appeal the decision to the appeals officer within 10 days (S. 129) . You challenge unfair discipline by putting in a grievance or filing a complaint within 90 days to the Canada Industrial Relations Board (S. 133).