The Right to Refuse Unsafe Work
common questions and answers
(from www.workrights.ca)

What is unsafe work?

Unsafe work is work that involves an "imminent danger". An imminent danger can be

- a danger that's not normal for that type of work, or
- danger under which a worker in that type of work would not normally do the work.

Can I refuse to do unsafe work?

Yes, a worker can refuse work which she or he believes puts herself or himself in imminent danger, or puts another worker at the workplace in imminent danger. The provincial government's Occupational Health and Safety Act explains this.

Can all workers refuse unsafe work?

In Alberta, domestic workers, for example nannies or housekeepers, and certain agricultural workers can't refuse unsafe work, because these workers aren't covered by the Occupational Health and Safety Act.

Will I be paid while I refuse unsafe work?

Yes. The worker can be assigned to do other work during the refusal, but at no loss of pay.

Can my supervisor assign the refused work to another worker?

Another worker can be assigned to do the refused work, unless the work puts the other worker in danger.

Can I be fired or disciplined for refusing work I believe is unsafe?

Workers' hesitation to use the right to refuse is well grounded, since refusing workers sometimes do get fired or disciplined. Following the steps of the refusal procedure helps a refusing worker to protect her or his job. Still, it's illegal for a supervisor or employer in Alberta to discipline or dismiss a worker for refusing work she or he believes is dangerous.

A worker who suspects that she or he has been disciplined or dismissed for refusing unsafe work can have an officer from Workplace Health and Safety look into the matter. The phone number is 1-866-415-8690. Workers who are deaf or have a hearing impairment can call 427-9999 in Edmonton, or 1-800-232-7215, free of charge, from elsewhere in the province.

What's the proper procedure if I'm going to refuse unsafe work?

Please see flowchart, over.
Knowing your “Right To Refuse”

According to Alberta law...

**Step 1**
Worker believes there is imminent danger (a danger that “is not normal for that occupation”).

**Step 2**
Worker Refuses and Reports to Supervisor.

**Step 3**
Supervisor must:

a) investigate and take action to eliminate the danger

b) ensure no work performs work unless:
   i. worker so assigned is not exposed
   ii. the imminent danger is eliminated

c) prepare a written record of the worker’s notification, employer investigation and action taken, and

d) give the worker who gave the notification a copy of the record

In the meantime the worker may be assigned other duties, with no loss of pay.

**EXAMPLE**

Q) I’m a forklift operator. My brakes are shot. I tell my foreman that having no brakes is imminent danger and I am refusing. The supervisor tells me to go help out somewhere else while he investigates. Later he gives me a written report that shows the maintenance supervisor inspected and has stated that the brakes need work but they should be ok until the weekend. I disagree. What do I do?

A) The next level of protection for you is a call to a provincial OH&S officer. The toll free number is 1-866-415-8690 or 780-415-8690 in Edmonton. The OH&S Act says that the officer shall investigate and prepare a report, giving you a copy. An Employer or worker may request a review of this record to the Occupational Health and Safety Council. Also, contact your union.

**EXAMPLE**

Q) At my workplace, we use large propane heaters to heat cold areas where we have to work. When these heaters aren’t working properly, they give off carbon monoxide. How does my right to refuse work in this situation if I start feeling ill?

A) If you believe you are in danger, you must refuse to perform the work. The employer is then obligated to investigate your concern. Once the investigation is complete, the hazard must be resolved. You must be given a copy of the investigation and results.

**EXAMPLE**

Q) I’m new on the job. I need to work at an elevated height. My supervisor says that everyone just stands on the old plastic milk crate, it’s normal for the job. What can I do?

A) Just because things have been done unsafely for years doesn’t mean that they are normal. When the OH&S Act says that imminent danger is a danger that “is not normal for that occupation” they are referring to things like fire fighters who can’t refuse to go into a burning building. They can, however, refuse to go near the burning building if they aren’t provided the proper safety equipment or procedures. Politely tell your supervisor that the job is unsafe and you are obliged, by law, to refuse to do that work until it is safe. Your employer may reassign you but any other worker assigned to the job must be informed that you have refused. Also, contact your union.

**Step 4**
(If worker believes Imminent Danger still exists)

Worker May file complaint with provincial OH&S Officer by calling 1-866-415-8690 or (780) 415-8690 or 1-866-415-8691.

**Step 5**
Officer investigates and prepares report.

Copies of the report go to the Worker and to the Employer.

**Step 6**
(If Worker OR Employer don’t agree with Officers’ Report)

May request review by Alberta Occupational Health and Safety Council

*It is against the law for an Employer to discipline a Worker for refusing unsafe work.*