

# FACT SHEET

## Your right to refuse unusually dangerous work



April 18, 2013

CUPE members in Saskatchewan have the legal right to refuse unsafe work, according to *The Occupational Health and Safety Act* – Section 23, when there are reasonable grounds to believe that an act or a series of acts is unusually dangerous to that person or another person's health and safety.

### Steps to refuse work

1. **If you believe** that a dangerous situation may exist at work, you have the right to refuse the work.
2. **Notify your supervisor** or employer about your concerns, and refuse to perform the unsafe work.
3. **The employer must** remedy the situation and/or inform the occupational health committee. The committee must investigate and advise you of the decision.
4. **If you are not satisfied** with the remedy, you may refuse unsafe work. The government occupational health officer must be notified.
5. **The officer must investigate** your concerns and make recommendations. A written report must be given to you and the employer.

The Supervisor/Employer has the right to assign the refusing worker to other work (at no loss in pay or benefits) until the matter is resolved [Act, section 2(1)(g)(ii)].

Under Section 26 of the Act, a Supervisor/Employer cannot assign another replacement worker to the disputed job unless the worker is advised in writing about:

- The refusal and the reasons for it;
- Why the Supervisor/Employer believes that the replacement worker can do the disputed job safely;
- The right of the replacement worker to refuse;
- The steps to follow when exercising this right.

**The employer must also inform workers who are expected to do the same job on other shifts about the refusal and the reasons for it.**

Workers cannot be discriminated against for complying with the legislation, according to *The Occupational Health and Safety Act* – Section 27.

**You have the legal right to a healthy and safe workplace.**