

A worker can, and has a duty to, refuse work if they believe the situation, whether mechanical or environmental, may endanger themselves or another worker. You may also refuse a task if there is a breach of the OHSA such as a missing guard on a machine.

What is a Limited Right to Refuse?

Health care workers, fire fighters and police officers, to name a few, have a limited right to refuse unsafe work.

These workers cannot refuse a task if it is an inherent part of the job and/or if the refusal would endanger the life and/or health and safety of another person directly.



Check with your Union Steward or Union Rep if you are unsure about whether your job permits you only a limited right to refuse.

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Your Right to
REFUSE
Unsafe Work

**Under the Occupational
Health & Safety Act (OHSA)**



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- Another worker can be offered the refused work, after the Ministry of Labour is notified, in the presence of the health and safety committee member but they must be made aware of the refusal and reasons why it was made.
- That worker can either support his/her co-worker's decision or perform the job.
- Upon completion of the investigation and after any changes are made to the situation, the worker can decide whether the changes are adequate.
- If the worker continues to refuse the work, the Ministry of Labour is notified.
- A Ministry of Labour Inspector will investigate and determine whether the work is likely to endanger the worker or another person.



- This investigation will take place in person.
- The worker, a committee member and the employer will be involved with the Ministry of Labour inspection.
- The inspector will provide a written copy of his/her decision to the worker, the committee member and the employer.
- That decision must be posted in the workplace for 14 days.
- The employer or worker can appeal this decision.

Your employer CANNOT dismiss, suspend, intimidate, coerce, threaten or impose a penalty on a worker who acts in good faith.

If you believe that a job or task you've been asked to do at work could endanger you or a co-worker, you have the Right to Refuse the Unsafe Work.

To Refuse Unsafe Work, follow these steps:

- Always notify the employer or supervisor of a work refusal. They must investigate immediately.
- A health and safety committee member or representative (or a worker selected by the Union in the absence of either of these) must be present during this investigation.
- The worker shall remain in a safe place near their work station during the investigation.