

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) I'm an electrician who was instructed to work on an electrical panel that is surrounded by water from a water line break. I say it's not safe and refuse. My boss suspends me without pay for a week, claiming I wouldn't follow orders. Is that right?

A) Under the Occupational Health and Safety Act an employer cannot discipline workers for refusing to do unsafe work. Workers have the right to call or write to an Officer if they believe they have been disciplined or fired. Use the same number above. Also, contact your union.

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, its 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.