

Workers Have the Right to Refuse Dangerous Work

(under Alberta's Occupational Health and Safety Act, Section 17)

HOW DOES IT WORK?

Updated April 2022

1 You have been asked to do something you believe poses a serious and immediate threat (undue hazard) to yourself or others.

2 You report to your supervisor, employer or other designated person that you are using your right to refuse because it is dangerous.

3 Your employer must inform the HSC or HS Rep (if there is one) as soon as possible. Then your employer must:

- Inspect the danger
- Take action to fix the danger
- Write a report of the work refusal, inspection, and actions taken (if they determined it was dangerous)
- Give a copy of the report to you and the HSC or HS Rep (if there is one)

The supervisor might send you to do another job for a short time. You cannot lose pay.

Your employer can require you to resume work or assign another worker to do the job if they have fixed the danger immediately, or conducted an inspection and given you a written report that it is safe.

If you still believe you are in danger, or you believe your employer has not carried out their work refusal obligations, you can continue to refuse and go to Step 4.

4 You can file a complaint with the Alberta Government's **Occupational Health and Safety (OHS) Contact Centre.**

Tel. 780-415-8690 (Edmonton) or Toll Free 1-866-415-8690

You may phone the OHS Contact Centre at any time during the Refusal process. Your call can be confidential.

You cannot be fired for using your right to refuse dangerous work.

If you are disciplined for using your Health and Safety rights, you can file a Disciplinary Action Complaint through Alberta's OHS Contact Centre. If you belong to a union where you work, Disciplinary Action Complaints are handled through the Grievance Procedure in your Collective Bargaining Agreement.

NEW!

Does your workplace have an **HSC** or **HS Rep**?

HSC

A joint Health and Safety Committee is required by employers who have 20 or more workers*. An HSC is made up of a worker and an employer co-chair, and at least 2 other members. At least half of the committee must be chosen by and made up of workers.

HS Rep

A Health and Safety Representative is required by employers who have 5-19 workers*. The HS Rep is a worker who is chosen by other workers.

* Work sites with Prime Contractors do not require an HSC or HS Rep, but must ensure a system of OHS compliance and designate a person for the purposes of ensuring H&S cooperation between workers and employers.

If the employer learns that OHS has been notified, the employer must advise (in writing) any other worker assigned to do the task: of the first worker's refusal, the reason for the refusal, and the reason why, in the opinion of the employer, the work is not an undue hazard.



**ALBERTA WORKERS'
HEALTH CENTRE**

Information, Education and Empowerment for Workers

Phone: 780-486-9009
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www.workershealthcentre.ca



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