

ONTARIO

BUILDING OUR UNION



UNIFOR

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Department, 2013

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HS-E-4102



591G 704

You have
the right to
**refuse
unsafe
work.**

use it!



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HOW THE RIGHT TO REFUSE WORKS

Under Section 43 of the Occupational Health and Safety Act, you have the right to refuse unsafe or unhealthy work or for violence in the workplace. If you have reason to believe the work or workplace violence is likely to endanger you or someone else, this is what you do.

WORKER

Report the problem to your supervisor or employer. It is illegal for the employer to discipline workers for exercising their right to refuse work. (Section 50)

SUPERVISOR

Investigates in the presence of the worker and a worker health and safety representative or union representative and takes remedial action.

WORKER

Until the investigation is complete, the worker must stay in a safe place as near as reasonably possible to his or her workstation. If the worker still feels there are reasonable grounds to refuse,

the worker, the worker's representative or the employer must notify an inspector.

INSPECTOR

Investigates the problem in the presence of the worker, the worker's representative and the employer's representative and orders remedial action.

WORKERS

Until the inspector's decision is made, the worker remains in a safe place that is as near as reasonably possible to his or her workstation and available to the inspector for the investigation. Pending the investigation and decision of the inspector the worker can be assigned reasonable alternative work. No other worker can be assigned the work pending the decision of the Inspector unless, advised of the refusal and reasons why in the presence of a worker health and safety representative or union representative.

APPEALS

You may appeal the inspector's order to the Labour Relations Board within 30 days (Section 61). You challenge unfair discipline by putting in a grievance or appealing to the Labour Relations Board (Section 50).