

WORKER RIGHTS

Workers have the

- Right to Know
- Right to Participate
- Right to Refuse Unsafe Work

OHS Regulation Part 3: Rights & Responsibilities sections 3.12 & 3.13 define the process for refusal of unsafe work.

The Right to Refuse includes the following:

1. Reporting Unsafe Work
2. Supervisor Responsibilities
3. What happens if you still refuse to perform the work?
4. When does a Board Officer get involved?
5. What are a workers job protection during the process?



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WORKER RIGHTS



OHSR 3.12 defines the steps to follow when a worker refuses to perform unsafe work:

1. Reporting Unsafe Work

- a. A worker must not carry out or perform work if they believe that work will create an undue hazard to the health & safety of any person including themselves.
- b. The worker must immediately report to their supervisor the work they believe is unsafe and they refuse to perform.
- c. The worker needs to provide details on the circumstances of the unsafe condition or unsafe work.

2. Supervisor Responsibilities

- a. The supervisor must immediately investigate the reported unsafe work or condition.
- b. The supervisor must ensure that the unsafe condition is remedied without delay, or
- c. If in their opinion the report is not valid they must inform the person who made the report.
- d. The supervisor temporarily assigns the worker to alternate work with no loss in pay during the right to refuse investigation process.
- e. The supervisor cannot layoff, terminate or make any other type of negative employment action before completing the right to refuse steps.

3. What happens if you still refuse the unsafe work when the supervisor says it's safe to perform?

- a. The supervisor must then investigate the matter in the presence of the worker who made the report and
 - i. in the presence of a worker representative from the safety committee or
 - ii. a worker who is selected by a trade union representing the worker, or
 - iii. if there is no joint safety committee or the worker is not represented by a trade union any other worker reasonably available selected by the worker

4. When does a Board Officer get involved?

- a. If the issue is not resolved in step three and the worker still refuses to carry out the work both the supervisor and worker must immediately notify a Board Officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

5. What are a workers job protection during the process?

- a. A worker must not be subject to disciplinary action because the worker has refused unsafe work.
- b. Workers may be temporary assigned to alternate work at no loss in pay to the worker until the matter is resolved.



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