

Need help?

Call your Regional
Health & Safety Representative:

British Columbia Region

Toll Free: 1-866-953-1050

Prairie Region

Toll Free: 1-866-393-7722

Ontario Region

Toll Free: 1-800 354-9086

National Capital Region

Gatineau R.O.: 819-777-4647

Quebec Region

Toll Free: 1-800 566-6530

Atlantic Region

Toll Free: 1-800-839-6661

North Region

Toll Free: 1-800-661-0870



Your Health & Safety Rights at Work:

- 1 The Right to Know
- 2 The Right to Participate
- 3 The Right to Refuse Dangerous Work

****Danger** means any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life, or health of a person exposed to it before the hazard or condition can be corrected or activity altered.



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Employee refuses and notifies employer 128.(6)
Employer investigates in presence of employee, and
employer writes Employer Report 128.(7.1)

Employee not satisfied, employee
notifies employer and committee
representative 128.(9)

Employee satisfied,
returns to work

Committee Representative investigates in
presence of employee 128.(10), provides
a report of investigation results and recom-
mendations to employer 128.(10.1)

Employer provides additional
information to committee/
representative 128.(10.2)

Revised Report if deemed appropriate
and presented

Employer decides
128.(13)

DANGER
128.(13)(a)

REFUSAL NOT PERMITTED 128.(13)(b)
Other persons put in DANGER 128.(2)(a)
DANGER is a normal condition
of employment 128.(2)(b)

NO DANGER
128.(13)(c)

Employer takes corrective
action and employer
notifies committee/
representative 128.(14)

Employer provides written
decision to employee
128.(15)

Employee satisfied,
returns to work

Employee continues to refuse
and notifies employer 128.(15)

Employer notifies Minister, presents
their investigation reports and notifies
committee/representative 128.(16)

Follow These Steps:

1. When you have "reasonable cause to believe there is a danger" you may refuse to work under the Canada Labour Code, Part II.
2. In order to do this, you must notify your employer of your refusal and the safety reasons for the refusal.
3. The employer must then investigate in your presence, unless you decline to participate.
4. Then the employer is obligated to provide you with a written report of their investigation findings. If you agree with the conclusions, you may return to work. However, if you disagree, you may continue to refuse to work.
5. If you continue to refuse, the employer is obligated to notify the Health and Safety Representative, or Committee so that they may participate in the second stage of the investigation process. Again, you may participate in this investigation if you choose.
6. After the joint investigation is completed, the employer is again obligated to provide you with a written copy of the results. If you agree with the conclusions, you may return to work. However, if you disagree, you may continue to refuse to work.
7. If you continue to refuse, the employer is obligated to notify the Minister of Labour who will decide whether or not to investigate. If there is an investigation, by a delegate of the Minister, you have a right to participate in that investigation if you choose.
8. The Minister must issue a written decision to the employer and the employee considering three options: "danger", "no danger" or "no right to refuse" based on the fact that these are normal conditions of employment or the refusal puts the life of someone else in danger.
9. Any decisions of "danger" or "no danger" can be appealed to the Occupational Health and Safety Tribunal Canada (OHSTC) within 10 days. Any directions resulting from the investigation can be appealed to the OHSTC within 30 days.