



Health and Safety
Santé et sécurité

RIGHT TO REFUSE DANGEROUS WORK

Right to refuse dangerous work

Under federal and some provincial labour laws, you have the right to refuse dangerous work, if you have reasonable cause. Visit your provincial/territorial government's website to find the relevant right to refuse dangerous work legislation and process.

What is considered "dangerous work"?

Federally, subsection 122(1) of the Canada Labour Code defines "danger" as:

"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 the activity altered."

Wages, benefits, and job protections during work refusal

Anyone who stops work due to the internal complaint process, a work refusal, or the direction of a health and safety officer is to be paid until work resumes or until the end of their shift.

The National Joint Council (NJC) OHS Directive, Part XVIII - Refusal to Work, which enhances and supplements Part II of the Canada Labour Code, states:

*18.1.1 Any employee may exercise his or her right of refusal to work in accordance with section 128 of the Canada Labour Code. If the employee has exercised their right of refusal to work, **the employer shall not assign any other employee to use or operate the machine or object, to work in that place or to perform the activity, until the Minister of Labour has been notified of a continued refusal.***

The federal process for the right to refuse dangerous work

- 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** To do this, you must notify your employer of your refusal and the safety reasons for the refusal.



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- 3 The employer must then investigate in your presence, unless you decline to participate.
- 4 The employer is required to provide you with a written report of their investigation findings. If the employer's conclusions find a resolution to the concern or reasoning that you agree with, you may return to work. However, if you disagree with the employer's conclusions or believe that the resolution is not sufficient, you may continue to refuse work.
- 5 After the employer's investigation report, the employer is required to notify the health and safety representative or committee so that they can participate in the second stage of the investigation process. You may participate in this investigation if you choose.
- 6 After the joint investigation is completed, the employer is required to provide you with a written copy of the results. If you agree with the conclusions, you may return to work. If you disagree, you may continue to refuse work.
- 7 If work refusal continues because the concern has not been addressed, the employer is required to notify the federal minister responsible for the Labour Program who will decide whether to investigate. If a delegate of the federal minister responsible for the Labour Program investigates, you have the 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.