THE RIGHT TO REFUSE
DANGEROUS WORK

Section 19 of the
Occupational Health and Safety Act states:

"An employee may refuse to do any act at his place of employment where he has reasonable grounds for believing that the act is likely to endanger his health or safety or the health or safety of any other employee."

If you refuse to continue to work in accordance with section 19, you must:

STEP 1

Report immediately to your supervisor giving your reasons for refusing to work. Stay at your workplace for your normal working hours.

If the employer resolves the matter to your satisfaction, go back to work. If you still believe the work is dangerous–

STEP 2

Bring the matter to the attention of the joint health and safety committee, if it exists, as soon as possible, giving the reasons for refusing to work.

If the committee resolves the matter to your satisfaction, go back to work. If there is no committee, or if you still believe the work is dangerous–

STEP 3

Call WorkSafeNB at 1 800 222-9775 and explain your situation. An officer will investigate.

If, after investigation, the officer finds the working conditions are not dangerous, go back to work.

If the officer believes the work is dangerous, he will issue an order to the employer to improve the working condition. When the officer finds that the order has been carried out and the working conditions are no longer dangerous, go back to work.

The decision of an officer can be appealed to the Chief Compliance Officer and then to the Appeals Tribunal.

While the refusal is being investigated, the employer may assign the worker to other work. See section 22(1) of the Act.

The employer must not assign someone else to do the work that has been refused unless the second worker is told of the first refusal, the reasons for it and his or her right to refuse hazardous work under the Act. See section 21(2) of the Act.

If you are discriminated against for exercising your right under the Act, you may file a complaint with WorkSafeNB. They will appoint an arbitrator to hear the matter.

1 800 222-9775
www.worksafenb.ca