



## RIGHT OF WORKER TO REFUSE WORK

Section 45(1) of the *Occupational Health and Safety Act* states in part -

*"A worker may refuse to do work that the worker has reasonable grounds to believe is dangerous to their health or safety, or the health and safety of another person at the workplace."*

The following three (3) step procedure applies:

**STEP 1** REPORT IMMEDIATELY TO THEIR SUPERVISOR GIVING THE PRECISE CONDITIONS FOR THE REFUSAL TO WORK.  
(Section 45(1)(a) & Section 46 *OH&S Act*)

If the matter is resolved to the worker's satisfaction by the employer, the worker must return to work.

If the matter is not resolved to the worker's satisfaction, the worker reports to:

**STEP 2** A MEMBER OF THE OCCUPATIONAL HEALTH AND SAFETY COMMITTEE OR THE WORKER HEALTH AND SAFETY REPRESENTATIVE FOR INVESTIGATION. (Section 45(1)(b) *OH&S Act*)

If the matter is not resolved to the worker's satisfaction by the Occupational Health and Safety Committee or Worker Health and Safety Representative, the worker reports to:

**STEP 3** THE OCCUPATIONAL HEALTH AND SAFETY BRANCH OF SERVICE NL FOR INFORMATION AND FOLLOWUP. (Section 47 *OH&S Act*)

AN OCCUPATIONAL HEALTH AND SAFETY OFFICER INVESTIGATES THE MATTER, AND PENDING RESOLUTION, ADVISES THE WORKER TO RETURN TO WORK. (SECTION 45(1) *OH&S Act*)

While the matter is under investigation, the employer may assign the worker other work that is reasonably equivalent to their normal work. The employer shall pay the worker the same wages or salary and grant the same benefits as the worker would have received in their normal work. (Section 45(2), 45(3), 45(4) *OH&S Act*)

Where a worker has exercised the right to refuse to work, the employer shall not assign another worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason or reasons for that refusal. (Part I, Section 5 *OH&S Regulations*)

A worker shall not take advantage of their right to refuse to work under Section 45 without reasonable grounds.  
(Section 48 *OH&S Act*)

A worker must be in the workplace and familiar with the alleged hazards in order to refuse to work, a right of refusal cannot be exercised in absentia, or on behalf of others.

For further information please contact:

### **Occupational Health and Safety Branch**

#### **Service NL:**

Corner Brook: t 709.637.2946

Grand Falls-Windsor: t 709.292.4400

St. John's: t 709.729.2706

Wabush: t 709.282.3679

t 1.800.563.5471

#### **WorkplaceNL:**

Corner Brook: t 709.637.2700 t 1.800.563.2772

Grand Falls-Windsor: t 709.489.1600 t 1.800.563.3448

St. John's: t 709.778.1000 t 1.800.563.9000

# WorkplaceNL

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