

Name the Key Components Related to a Worker Refusing to Work?



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1. Unsafe work or equipment; sincere fear; training and experience.
2. Valid reason; work refusal; sincere fear.
3. Undue hazard or danger; heat stroke; work refusal
4. Work refusal; reasonable grounds undue hazards or danger.

ANSWER

Work refusal; reasonable grounds undue hazards or danger.

WHY IS IT RIGHT

Any worker—full- or part-time, temporary or permanent, new or experienced—can initiate a work refusal provided he or she has valid reasons for doing so.

The standard for refusal is generally on whether the worker has “reasonable” grounds or cause to believe that the work or equipment poses an undue or unusual hazard or danger to himself or others. In determining whether the worker’s grounds are reasonable, consider whether an average worker, with the same level of training and experience, using normal and honest judgment, would agree that the work or equipment poses an unacceptable hazard.

A worker’s fear must be sincere. If the refusal is just a pretext to get out of an unpleasant task or avoid working with someone the worker dislikes, it isn’t valid.

In most cases, the basis for a work refusal is a condition or circumstances that would pose a danger to *any* worker—not just the worker making the refusal. For example, working in a confined space without the appropriate respiratory protection would be dangerous for any worker. But a work refusal may still be valid if the condition or circumstance the worker is complaining about poses a danger only to him or her.

Most work refusals are based on concerns about the safety of machinery and equipment, such as the lack of a machine guard or defective PPE, they can be based on other kinds of safety concerns. For example, courts have upheld refusals based on fears of:

- Violence

- Heat stroke
- Illness

WHY IS EVERYTHING ELSE WRONG

The principle ingredients in the work refusal dynamic are encapsulated in the key words and phrases identifying a valid work refusal by a worker.

These include:

- Any worker
- Reasonable grounds to believe
- Work or equipment
- Poses undue/unusual danger to a worker or others.
- Average worker
- Same level of training and experience
- Work or equipment is unacceptable hazard
- Fear must be sincere

Any other considerations in discussing the subject of valid work refusal that do not encapsulate the foregoing are largely not relevant.