

OHS Work Refusals – Know The Laws Of Your Province

written by Tina Tsonis | February 27, 2024



Workers' rights to refuse work that they reasonably believe pose a danger to themselves or other persons is a key element of Canadian OHS laws. But while refusal rights exist in all jurisdictions, there are significant differences in terms of:

- The triggers justifying an OHS work refusal;
- The limitations on worker refusal rights;
- The process that must be followed to initiate, investigate and resolve a work refusal;
- The rules governing reassignment and paying refusing workers during the refusal; and
- Protections for workers who exercise their refusal rights.

Here's a summary of the OHS [work refusal rules](#) in each part of Canada.

Work Refusal Requirements by Jurisdiction

JHSC: refers to the workplace joint health and safety committee

Safety rep: refers to the workplace health and safety representative

FEDERAL

Refusal Triggers: Employee may refuse to use or operate a machine or thing, to work in a place or to perform an activity, if the employee while at work has reasonable cause to believe that: (a) the use or operation of the machine or thing constitutes a danger to the employee or to another employee; (b) a condition exists in the place that constitutes a danger to the employee; or (c) the performance of the activity constitutes a danger to the employee or to another employee; ("danger" defined 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)

Limitations: Work refusal not allowed if: (a) It puts another person's life, health or safety in direct jeopardy; or (b) The danger is a normal condition of employment;

Additional limitations of refusals on ships + aircraft

Refusals Process: 1. Employee brings complaint to employer; 2. Employer investigates complaint in presence of refusing worker and issues written report; 3. If employer finds danger, it must immediately take action to protect workers and notify JHSC or safety rep; 4. If employer finds no danger or can't resolve the problem to refusing employee's satisfaction, either side may ask the JHSC or safety rep to investigate in the refusing worker's presence and issue a written report; 5. Either side may appeal investigation results to MOL; 6. If either party appeals to it, MOL investigates and either orders the employee back to work or the employer to implement remedial measures; 7. Employee must return to work if ordered back or after ordered remedial measures are taken; 8. Slightly different procedures for refusals to operate machines

Reassignment: 1. Employer may assign refusing or affected employees to reasonable alternative work during stoppage, provided that it doesn't result in loss of pay; 2. If refusal causes a work stoppage, employees affected are deemed to be at work during the stoppage but must repay the wages and benefits they received for those hours if it's determined that the refusing employee exercised refusal rights knowing "that no circumstances existed that would warrant it"

Protections: 1. Refusing employee gets regular wages and benefits during refusal as do other employees affected by the work stoppage caused by the refusal unless barred by collective agreement; 2. Refusing employees must repay the wages and benefits they got during the refusal if they knew the refusal was unjustified

(Canada Labour Code, Secs. 128 to 131)

ALBERTA

Refusal Triggers: Workers may refuse work if they believe on reasonable grounds that there's an undue hazard at the work site or that the work constitutes an undue hazard to the worker's health and safety or to the health and safety of another worker or another person ("undue hazard" defined as including one that poses a serious and immediate threat to the health and safety of a person)

Limitations: Refusing worker must ensure, "as far as it is reasonable to do so," that the refusal doesn't endanger the health and safety of any other person

Refusals Process: 1. Refusing workers must promptly report the refusal and reasons for it to their employer, supervisor or another person designated by the employer or supervisor; 2. Employer must as soon as possible after receiving report of work refusal: (a) notify JHSC or safety rep of the refusal; and either (b) correct or investigate the problem; 3. If employer doesn't remedy it immediately, it must discuss the matter with the refusing worker and immediately inspect the alleged undue hazard and take any action necessary to remedy it and prepare a written report; 4. Employer must give a copy of the written report to the refusing worker and JHSC or safety rep; 5. Refusing workers who receive a report may notify government OHS officer if they think the undue hazard still exists; 6. OHS officer who receives notification from a refusing worker must investigate and either order worker back to work or order employer to implement remedial measures; 7. OHS officer must prepare and provide a copy of a written record of the investigation and findings to the employer and JHSC or safety rep; 8. Worker must return if officer finds no danger or after ordered remedial measures are taken

Reassignment: 1. Employer may require a refusing worker to remain at the work site and temporarily assign the worker to other work that the worker is reasonably capable

of performing, provided that there's no loss in pay; 2. Employer may not request or assign another worker to do the refused work unless and until it determines that the hazard doesn't exist or constitute an undue hazard to the health and safety of any person or that an undue hazard does not exist; 3. Upon learning that the refusing worker has notified an OHS officer that they still believe an undue hazard exists, the employer must provide written notification of any other worker to which it assigns the refused work of: (a) the first worker's refusal, (b) the reasons for the refusal, and (c) the reason why the employer believes the work doesn't constitute an undue hazard

Protections: Refusing workers can complain to govt. OHS agency if they believe they suffered discipline or reprisal for exercising their refusal rights

(Occupational Health and Safety Act, Sections 17 and 18)

BRITISH COLUMBIA

Refusal Triggers: A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that doing so would create an undue hazard to any person's health and safety

Limitations: None specified other than the requirement that there must be "reasonable cause" to believe that the work involves an undue hazard

Refusals Process: 1. Refusing workers must immediately report the circumstances of the unsafe condition to their supervisor or employer; 2. Upon receiving the report, the supervisor or employer must immediately investigate and: (a) ensure that any unsafe condition is remedied without delay, or (b) if the the supervisor or employer thinks the reported unsafe condition is invalid, inform the person who made the report; 3. If the above procedure doesn't resolve the matter and the worker continues the work refusal, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of: (a) a worker member of the JHSC, (b) a worker selected by a trade union representing the worker, or (c) if there's no JHSC or the worker isn't represented by a trade union, any other reasonably available worker selected by the worker; 4. If the above investigation doesn't resolve the matter and the worker continues the refusal, both the supervisor or the employer, and the worker must immediately notify a WorkSafeBC officer, who must investigate the matter without undue delay and issue whatever orders deemed necessary; 5. Worker must return if no danger found or after remedial measures ordered by WorkSafeBC are taken

Reassignment: 1. Employer may temporarily reassign refusing worker to alternative work until the refusal is resolved, provided that the reassignment doesn't cause the worker a loss in pay; 2. Employer must not require or permit another worker to do the refused work unless: (a) the matter is resolved; or (b) the employer, in writing, advises the other worker and (a) a worker member of the JHSC, (b) a worker selected by the worker's union, or (c) if there is no JHSC or union, or the worker isn't represented by a trade union, any other reasonably available worker selected by the worker, of: (i) the refusal; (ii) the unsafe condition the refusing worker reported; (iii) the reasons why the work wouldn't create an undue hazard; and (iv) the right of the other worker to refuse unsafe work

Protections: 1. A refusing worker must not be subject to "prohibited action" defined as any act or omission by an employer or union, or person acting on behalf of an

employer or union, that adversely affects a worker regarding: (a) any term or condition of employment, or (b) any term or condition of membership in a union

(OHS Regs., Sections 3.12 to 3.13)

MANITOBA

Refusal Triggers: Workers may refuse work that they believe on reasonable grounds is a danger to their own or another worker or person's safety or health

Limitations: None specified other than the requirement that worker's belief that there's a danger be on reasonable grounds

Refusals Process: 1. Refusing workers must promptly report the refusal and reasons for it to their employer, immediate supervisor or other person in charge at the workplace; 2. If employer doesn't

remedy the dangerous condition immediately, the person who receives the work refusal must immediately inspect or designate somebody to the dangerous condition in the presence of the worker and one of the following: (a) the JHSC worker co-chair or if the co-chair is unavailable, a JHSC worker member; (b) the safety rep or, if the rep is unavailable, another worker selected by the refusing worker refusing to do the work; or (c) if there's no JHSC or safety rep, another worker selected by the refusing worker; 3. The person required to inspect must take any action necessary to remedy any dangerous condition; 4. If the dangerous condition isn't remedied after the inspection, any person present during the inspection may notify a govt. safety and health officer of the refusal and reasons for it; 5. The govt. officer must then investigate; 6. If the officer determines that the refused work constitutes a danger to safety or health of the worker or any other worker or person at the workplace, they must: (a) make a written report of their findings; (b) issue any improvement or stop work order they consider necessary or advisable; and (c) give a copy of the report and any order to the refusing worker, employer, JHSC co-chairs or safety reps; 7. If the officer determines that the work isn't dangerous, they must, in writing: (a) inform the employer and refusing worker of the decision; and (b) inform the worker that they're no longer entitled to refuse to do the work

Reassignment: 1. Employer may temporarily reassign refusing worker to alternative work, provided that it results in no loss of pay; 2. Employer must not ask or assign another worker to do work a worker has refused until: (a) the employer notifies the other worker, in writing, of (i) the first worker's refusal, (ii) the reasons for the refusal, (iii) the other worker's right to refuse dangerous work, and (iv) the reason why the employer thinks the work doesn't constitute a danger; (b) if practicable, the first worker advises the other worker of the first worker's refusal and reasons for the refusal; and (c) the required inspection and remedial actions have been completed

Protections: Refusing workers are entitled to the same wages and benefits that they'd have received had they continued to work

(WSH Act, Section 43)

NEW BRUNSWICK

Refusal Triggers: Employees may refuse to do any act they have reasonable grounds for believing is likely to endanger their own or the health or safety of any other

employee

Limitations: None specified other than that employee's belief in danger be on reasonable grounds

Refusals Process: 1. Refusing employees must immediately report their concern to their supervisor, who must then promptly investigate in the employee's presence; 2. If supervisor finds reasonable grounds for believing there's a danger, they must take or recommend that the employer take appropriate corrective actions; 3. If supervisor finds no reasonable grounds for believing there's a danger, they must notify the refusing employee to do the work; 4. If the refusing employee isn't satisfied with the resolution, they can refer the matter to the JHSC or, if there is no JHSC, a govt. OHS officer; 5. Upon receiving a referral, the JHSC must promptly investigate and: (a) recommend appropriate corrective action to the employer if it finds reasonable grounds for believing there's a danger; or (b) advise the refusing employee to do the work if it finds no reasonable grounds for believing there's a danger; 5. If the refusing employee isn't satisfied with the JHSC's action, they may refer the refusal to a govt. OHS officer; 6. Upon receiving a referral, the govt. OHS officers must promptly investigate report their findings on reasonable grounds for believing a danger exists in writing as soon as practicable to the employer, employee and JHSC, if any; 7. If officers find reasonable grounds, they must order the employer to take appropriate remedial action; 8. If they find no reasonable, they must advise the refusing employee in writing to do the work

Reassignment: 1. Employer may temporarily reassign refusing employee to other equivalent work at the same wages and benefits; 2. Employees that reasonably refuse to work who aren't reassigned are also entitled to be paid the same wages and benefits they'd have received had they not refused; 3. Employer or supervisor may not assign another employee to perform refused work unless they advise that other employee of the first employee's work refusal, the reasons for the refusal and the other employee's own OHS work refusal rights

Protections: Employer, supervisor or union may not take discriminatory action against employees for exercising their work refusal rights

(OHS Act, Sections 19 to 24)

NEWFOUNDLAND

Refusal Triggers: Workers may refuse to do work that they have reasonable grounds to believe is dangerous to their own or another person at the workplace's health and safety

Limitations: Workers must not take advantage of their right to refuse to work without reasonable grounds

Refusals Process: 1. Refusing workers must immediately report refusal to their supervisor; 2. If employer can't resolve underlying OHS issue: (a) Refusing must report to the govt. OHS division or officer orally or in writing; and (b) the issue must be referred to the JHSC, safety rep or designate and the employer must notify the govt. OHS division; 3. If notification to the OHS division is oral, employer must provide division written confirmation within 5 days; 4. OHS officer must investigate and issue any orders they think necessary; 5. Worker must return if officer finds no danger or after remedial measures ordered by officer are taken

Reassignment: 1. Employer may temporarily reassign refusing worker to other

reasonably equivalent work at same pay and benefits; 2. Refusing worker gets same pay and wages even if not reassigned as long as refusal is reasonable; 3. Employer must not assign a substitute worker to perform refused work unless the substitute worker is informed of the refusal and reason for it

Protections: Employer and union may not take discriminatory action against workers for exercising their work refusal rights

(OHS Act, Sections 45 to 49; OHS Regs., Section 5)

NOVA SCOTIA

Refusal Triggers: Employees may refuse to do any act at their place of employment that they have reasonable grounds to believe is likely to endanger their own or any other person's health or safety

Limitations: Employee may not refuse to use or operate a machine or thing or work in a place where: (a) the refusal puts the life, health or safety of another person directly in danger; or (b) the danger is inherent in the employee's work

Refusals Process: 1. Refusing employees must immediately report refusal to a supervisor; 2. If matter isn't remedied to employee's satisfaction, employee must report it to the JHSC or safety rep and then to the govt. OHS Division; 3. Division officer must investigate and issue whatever orders they consider necessary; 4. Refusing employee may accompany the officer during the investigation to ensure people understand the reasons for the refusal; 5. Employee must return if Division investigator finds no danger or after remedial measures ordered by investigator are taken

Reassignment: 1. Employer may temporarily reassign refusing employee to other reasonably equivalent work at same pay and benefits; 2. Refusing worker gets same pay and wages even if not reassigned; 3. Employer must not assign a substitute employee to perform refused work unless the substitute employee is informed of: (a) the refusal; (b) the reason for the refusal; and (c) the employee's own OHS refusal rights

Protections: Employer and union may not take discriminatory action against employees for exercising their work refusal rights

(OHS Act, Sections 43 to 45)

ONTARIO

Refusal Triggers: Workers may refuse work if they have reason to believe that: (a) any equipment, machine, device or thing they're to use or operate is likely to endanger themselves or another worker; (b) the physical condition of the workplace or part of it where they're to work is likely to endanger themselves; (c) workplace violence is likely to endanger themselves; or (c) any equipment, machine, device or thing they're to use or operate or the physical condition of the workplace or part thereof violates the OHS laws in a way likely to endanger themselves or another worker

Limitations: Work refusal not allowed if: (a) the refusal would directly endanger another person's life, health or safety; (b) the danger is inherent in work or a

normal condition of the worker's employment; (c) the worker is a police officer, firefighter, correctional officer; or (d) the worker is employed in operating a/an hospital, sanatorium, long-term care home, psychiatric institution, mental health centre, rehab facility, residential group home or facility for persons with behavioural or emotional problems or disabilities, ambulance service, first aid clinic or station, laboratory operated by the Crown, or laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service

Refusals Process: 1. Refusing workers must promptly report circumstances of the refusal to supervisor or employer; 2. Employer or supervisor must "forthwith" investigate in the presence of the refusing worker and a JHSC worker member, safety rep or experienced, trained and knowledgeable worker selected by the union or workers to represent them; 3. Refusing worker must remain in a safe place as near as reasonably possible to their work station and available for the investigation until the investigation ends; 4. If not satisfied with investigation or remedial actions taken, worker can continue refusal in which case somebody must notify the MOL; 5. MOL officer must investigate and issue any orders they think necessary; 6. Refusing worker must remain in a safe place as near as reasonably possible to their work station and available for the MOL investigation until it ends; 7. Worker must return to work if MOL officer finds no danger or after remedial measures ordered by MOL officer are taken

Reassignment: 1. Pending the MOL investigation and decision, no worker may be assigned to use or operate the equipment, machine, device or thing or work in the workplace or part of the workplace being investigated unless the worker is advised of the other worker's refusal and reasons for it; 2. Other worker must be so advised in the presence of: (a) a JHSC worker member, if possible, a certified member; (b) a safety rep; or (c) a worker who because of their knowledge, experience and training is selected by the trade union that represents the worker or, if there is no trade union, the workers to represent them

Protections: 1. Refusing workers are deemed to be at work and their employer must pay them at the regular or premium rate for the time spent in reporting the refusal; 2. Same applies for JHSC members, safety reps, etc., for their time in carrying out their role in the refusals process; 3. No reprisals by employer or its representatives against workers for exercising their refusal rights or roles

(OHS Act, Section 43)

PRINCE EDWARD ISLAND

Refusal Triggers: Workers may refuse to do an act at their workplace that they have reasonable grounds for believing is likely to endanger their own or another worker's occupational health or safety

Limitations: None specified other than the requirement that the belief that danger exists be on reasonable grounds

Refusals Process: 1. Refusing workers must immediately report concern to their supervisor; 2. Supervisor must promptly investigate in the worker's presence and either: (a) take or recommend appropriate remedial action to the employer; or (b) if the supervisor determines there's no reasonable grounds for the refusal, advise the worker to do the refused work; 3. If unsatisfied with the supervisor's resolution, refusing worker may refer the matter to the JHSC or safety rep, or a govt. OHS

officer if there is no JHSC or safety rep; 4. Upon receiving the referral, the JHSC, safety rep or officer must promptly investigate and either: (a) recommend appropriate remedial action to the employer; or (b) if they believe there's no reasonable grounds for the refusal, advise the refusing worker to do the work; 5. If the investigation was carried out by the JHSC or safety rep and the refusing worker is unsatisfied with the resolution, they may refer the matter to an officer; 6. Upon receiving the referral, the officer must promptly investigate and either: (a) order the employer to take appropriate remedial action; or (b) if the officer believes there's no reasonable grounds for the refusal, advise the refusing worker to do the work; 7. Refusing worker must return to work after remedial actions ordered by the officer are taken or after being advised by the officer to return to work because there's no reasonable grounds for refusing

Reassignment: 1. Pending a work refusal investigation, refusing workers must remain available at the workplace during their normal working hours; 2. Employer may temporarily reassign refusing worker to other reasonably equivalent work at same pay and benefits; 3. Refusing workers who are not reassigned are entitled to same pay and benefits for refusal time as long as the refusal is upheld; 4. Refusing workers not entitled to wages and benefits if refusal is found to be frivolous; 5. Employer must not assign another worker to perform refused work unless the other worker is informed of the refusal, reasons for it and the other worker's own OHS refusal rights

Protections: Employer and union may not take discriminatory action against workers for exercising their work refusal rights

(OHS Act, Sections 28 to 30)

QUÉBEC

Refusal Triggers: Workers may refuse to perform particular work if they have reasonable grounds to believe that performing it work would expose themselves or another person to danger to health, safety or physical or mental well-being

Limitations: Refusal not allowed if it would put the life, health, safety or physical or mental well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in the worker's kind of work

Refusals Process: 1. Refusing worker must immediately notify their supervisor, employer or agent of the employer; 2. Upon being informed, the supervisor, employer or agent must convoke the safety rep (which, in Quebec, may be a safety rep or a designated member of the JHSC) to examine the matter and proposed corrective measures; if the safety rep is unavailable or doesn't exist, supervisor, employer or agent must convoke with another worker designated by refusing worker; 3. CNESST may be called in if after the initial investigation if: (a) the worker maintains the refusal; (b) the safety rep believes that the work endangers the health, safety or physical or mental well-being of the worker or another person; or (c) the employer or its agent believes that the work doesn't expose the worker or another person to danger to health, safety or physical or mental well-being; 4. If refusal prevents 2 or more workers from working, CNESST must investigate within 6 hours; 5. CNESST must immediately determine whether there's grounds for the refusal and either: (a) order remedial measures; or (b) order the worker to return to work; 6. CNESST's decision is subject to appeal; 7. Refusals by 2 or more workers for the same alleged danger must be dealt with jointly

Reassignment: 1. Employer may require refusing worker to remain at the workplace and temporarily assign them to other duties that they're reasonably capable of performing; 2. General Rule: Employer must not have refused work performed by another worker or a person who ordinarily works outside the establishment while the refusing worker is deemed to be at work until a decision is rendered ordering the worker to resume work; 3. Exception: Employer may have another worker perform the work as long as it notifies that other worker of the refusal and the reasons for it if the worker continues the refusal after either: (a) A supervisor, employer or agent's initial finding of no danger or determination that the refusal is justified for that particular worker but wouldn't justify a refusal by another worker, or (ii) A finding by CNEST that the refusal is acceptable for that particular worker but the circumstances don't justify refusal by another worker; 4. Other workers in the undertaking who can't work due to a refusal are deemed to be at work for the duration of the work stoppage at full pay and benefits but may be reassigned or required to remain available at the workplace

Protections: 1. Employer may not dismiss, suspend, transfer, penalize, discriminate or take reprisals against workers for exercising their refusal rights; 2. However, employer may, within 10 days after a final decision, dismiss, suspend, transfer or penalize workers if they abuse their refusal rights

(OHS Act, Sections 12 to 30)

SASKATCHEWAN

Refusal Triggers: Workers may refuse to do an act(s) at their workplace that they have reasonable grounds to believe is likely to endanger their own or another person at the place of employment's occupational health or safety

Limitations: None specified other than the requirement that the belief that danger exists be on reasonable grounds

Refusals Process: 1. Right to refuse ends when: (a) sufficient steps are taken to satisfy the refusing worker otherwise; or (b) the JHSC investigates the matter and advises the worker there's no danger; 2. If there's no JHSC or the refusing worker or employer aren't satisfied with the JHSC's decision, the worker or employer may ask a govt. OHS officer to investigate during which time the worker may continue the refusal; 3. If the OHS officer finds unusual danger it may order the employer to take appropriate remedial action; 4. If the OHS officer finds no unusual danger they must, in writing, advise the employer and workers of the decision and advise the worker that they're no longer entitled to refuse to perform the work, in which case the worker must return to work

Reassignment: Employer must not ask or assign another worker to perform refused work unless it advises the other worker, in writing, of the refusal, reasons for it and the other worker's own OHS refusal rights

Protections: Employer may not take discriminatory action against workers for exercising their work refusal rights

(Sask. Employment Act, Part III, Division 5)

NORTHWEST TERRITORIES & NUNAVUT

Refusal Triggers: Workers may refuse to do any work where they have reason to believe that: (a) there's an unusual danger to their health or safety; (b) carrying out the work is likely to cause an unusual danger to their own or any other person's health or safety; or (c) the operation of any tool, appliance, machine, device or thing is likely to cause an unusual danger to their own or another person's health or safety

Limitations: Refusals justified only for "unusual danger," defined as: (a) a danger that doesn't normally exist in that particular work; or (b) a danger under which a person engaged in that work "would not normally carry out his or her work"

Refusals Process: 1. Workers must promptly report the circumstances of the refusal to their employer or supervisor; 2. Employer or supervisor must, without delay investigate the report and take steps to eliminate the unusual danger in the presence of the refusing worker and a union rep or another worker the refusing worker selects; 3. Employer or supervisor must notify refusing worker of the investigation and steps taken; 4. If the refusing worker is unsatisfied, they may continue the refusal in which case employer, supervisor or worker must notify the JHSC or, if there is no JHSC, a govt. OHS officer; 5. Upon being notified, the JHSC or OHS officer must investigate in the presence of the employer and refusing worker and decide if there's an unusual danger; 6. If unusual danger is found, nobody may perform the work until: (a) the employer takes steps to eliminate the unusual danger, and (b) the JHSC or OHS officer is satisfied that the unusual danger no longer exists, in which case the JHSC or OHS officer must notify the refusing worker of its conclusion in writing; 7. The refusing worker or employer may appeal the decision of the JHSC to an OHS officer but the decision of the OHS officer is final

Reassignment: 1. Pending the JHSC or OHS officer investigation and decision or an appeal, the refusing worker must remain in a safe place at or near the place of the investigation during their normal working hours unless the employer assigns the worker to temporary alternative work that the worker is competent to perform; 2. No express limits on assigning refused work to another worker

Protections: Refusing workers must be paid at their regular rate of pay during the normal working hours they spend at the place of the investigation or in performing alternative work

(*Safety Act*, Section 13)

YUKON

Refusal Triggers: 1. Workers may refuse to perform work that they believe on reasonable grounds to be unsafe; 2. For work to be considered unsafe the work activities or work conditions must be likely to endanger the worker or another person's health and safety

Limitations: Work refusal not allowed if: (a) the refusal would directly endanger another person's health and safety and appropriate control measures are in place; (b) the conditions under which the work is to be performed are ordinary conditions in that kind of work and appropriate control measures are in place (we'll refer to (a) and (b) collectively as "refusal exceptions")

Refusals Process: 1. Workers must immediately report the refusal and reasons for it to their employer, immediate supervisor or any other person who is in charge at the workplace; 2. The person who receives the report must immediately investigate and either: (a) without delay, take any action necessary to remedy any unsafe work activity or condition, or ensure that such action is taken; or (b) inform the worker

if they think: (i) the work is not unsafe, or (ii) any of the refusal exceptions applies; 3. If the worker continues to refuse to perform the work, the person to whom the worker reported the refusal must: (a) investigate the matter again in presence of the refusing worker and: (i) a trained JHSC worker member, (ii) a safety rep, or (iii) if the JHSC member or safety rep don't exist or aren't available, another worker selected by the refusing worker; and (b) without delay, take any action necessary to remedy any unsafe work activity or condition, or ensure such action is taken; 4. If worker still continues to refuse, employer must report the refusal and reasons for it to the Yukon Workers Compensation Health & Safety Board ("Board"), which must have an officer promptly investigate the matter and determine whether or not: (a) the work is unsafe; and (b) any of the refusal exceptions apply; 5. If officer finds that work is unsafe, they may make any order that they determine to be necessary; 6. If officer finds that the work is not unsafe or that a refusal exception applies, they must notify the refusing worker that the refusal is no longer justified; 7. Refusing worker must return to work after the ordered remedial measures are made or the Board notifies them that the refusal is unjustified

Reassignment: 1. Refusing workers are entitled to the same wages and benefits they'd have gotten had they continued to work and employer may temporarily reassign them to alternate work; 2. Employer may not assign or ask another worker to perform refused work unless: (a) It notifies the other worker in writing of: (i) the refusal, (ii) reasons for it, (iii) the other worker's own OHS refusal rights, (iv) the reason the employer believes the work is not unsafe or a refusal exception applies; and (b) If the refused work has been determined to be unsafe, the required actions have been taken to remedy the unsafe work activity or condition

Protections: Employer, union or person acting on behalf of the employer or union may not take reprisals against workers for exercising their work refusal rights

(Workers Safety & Compensation Act, Part 3, Division 5)