Which Employee Has a Valid Work Refusal?

Five workers engage in work refusals:

- Ann, a machine operator, refuses to use a grinder because it has a loose wheel
- Bob, a receptionist with an irrational fear of germs, refuses to greet visitors unless he can wear a surgical mask
- Cher, a landscape worker and dedicated environmentalist, refuses to use pesticides because she says they cause pollution
- Don refuses to work with Ed because he finds him offensive
- Fred, a firefighter, refuses to rush into a burning building because he fears getting burned

QUESTION 1

Is Ann’s work refusal legally valid?

[learn_more caption=”**Answer**”]

Yes

EXPLANATION

Fear of injury from dangerous or defective machinery or equipment like a loose grinding wheel is one of the most common and fundamental reasons for refusing work.

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QUESTION 2

Is Bob’s work refusal legally valid?

ANSWER

No

EXPLANATION

Bob’s fear of germs is sincere but unreasonable. To justify a refusal, the worker’s fears must be not only sincere but also reasonable.

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QUESTION 3

Is Cher’s work refusal legally valid?

ANSWER

No

EXPLANATION

Cher’s refusal is based not on fear of injury but concerns about the environment. Although refusing work on the grounds of harm to the environment may be morally praiseworthy, it’s not justification for refusing work under OHS laws.

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QUESTION 4

Is Don’s work refusal legally valid?

ANSWER

No

EXPLANATION

OHS laws don’t give workers the right to refuse work because they find it offensive. However, refusal to work with a particular co-worker may be legitimate grounds for refusal to the extent the co-worker puts the refusing worker in danger of injury, e.g., because he doesn’t follow safety rules or know how to operate the equipment.

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QUESTION 5

Is Fred’s work refusal legally valid?

ANSWER

No

EXPLANATION

To justify a work refusal, a worker’s fear must be based on a danger not normally associated with his job. And for a firefighter, burn hazards are par for the course. But a firefighter would have valid grounds for refusal stemming from hazards not normally associated with firefighting, e.g., being required to use ladders or other safety equipment that’s dangerously defective.

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