

# Work Refusals – Know The Laws Of Your Province



Work refusal regulations are essential for protecting workers from unsafe working conditions and ensuring that workplace hazards are promptly addressed. These regulations grant workers the legal right to refuse work if they believe it poses a danger to their health and safety or that of others. **Employers must** investigate work refusals, take necessary corrective actions, and ensure that workers are not subject to retaliation for exercising their rights. Workers **must** follow established procedures for reporting unsafe work, cooperating with investigations, and remaining available for alternative duties if **required**. While general work refusal rights apply across Canada, specific regulations vary by province and territory to address industry-specific hazards and dispute resolution processes. Compliance with these regulations promotes a culture of workplace safety, encourages hazard prevention, and reinforces worker protections.

## FEDERAL

In Canada, workers have the right to refuse unsafe work under the [Canada Labour Code – Part II Occupational Health and Safety, Section 128](#). These regulations grant workers the legal right to refuse work if they believe it poses a danger to their health and safety or that of others.

### **Refusal to Work if Danger**

**(1)** Subject to this section, an 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.

## **No Refusal Permitted in Certain Dangerous Circumstances**

(2) An employee may not, under this section, refuse to use or operate a machine or thing, to work in a place or to perform an activity if:

(a) the refusal puts the life, health or safety of another person directly in danger; or

(b) the danger referred to in subsection (1) is a normal condition of employment.

### **Marginal Note: Employees on Ships and Aircraft**

(3) If an employee on a ship or an aircraft that is in operation has reasonable cause to believe that:

(a) the use or operation of a machine or thing on the ship or aircraft constitutes a danger to the employee or to another employee,

(b) a condition exists in a place on the ship or aircraft that constitutes a danger to the employee, or

(c) the performance of an activity on the ship or aircraft by the employee constitutes a danger to the employee or to another employee, the employee **shall** immediately notify the person in charge of the ship or aircraft of the circumstances of the danger and the person in charge **shall**, as soon as is practicable after having been so notified, having regard to the safe operation of the ship or aircraft, decide whether the employee may discontinue the use or operation of the machine or thing or cease working in that place or performing that activity and **shall** inform the employee accordingly.

## **No Refusal Permitted in Certain Cases**

(4) An employee who, under subsection (3), is informed that the employee may not discontinue the use or operation of a machine or thing or cease to work in a place or perform an activity **shall** not, while the ship or aircraft on which the employee is employed is in operation, refuse under this section to use or operate the machine or thing, work in that place or perform that activity.

### **When Ship or Aircraft in Operation**

(5) For the purposes of subsections (3) and (4),

(a) a ship is in operation from the time it casts off from a wharf in a Canadian or foreign port until it is next secured alongside a wharf in Canada; and

(b) an aircraft is in operation from the time it first moves under its own power for the purpose of taking off from a Canadian or foreign place of departure until it comes to rest at the end of its flight to its first destination in Canada.

### **Report to Employer**

(6) An employee who refuses to use or operate a machine or thing, work in a place or perform an activity under subsection (1), or who is prevented from acting in accordance with that subsection by subsection (4), **shall** report the circumstances of the matter to the **employer** without delay.

### **Select a Remedy**

(7) Where an employee makes a report under subsection (6), the employee, if there is

a collective agreement in place that provides for a redress mechanism in circumstances described in this section, **shall** inform the **employer**, in the prescribed manner and time if any is prescribed, whether the employee intends to exercise recourse under the agreement or this section. The selection of recourse is irrevocable unless the **employer** and employee agree otherwise.

### **Investigation by Employer**

(7.1) The **employer shall**, immediately after being informed of a refusal under subsection (6), investigate the matter in the presence of the employee who reported it. Immediately after concluding the investigation, the **employer shall** prepare a written report setting out the results of the investigation.

### **Employer to take Immediate Action**

(8) If, following its investigation, the **employer** agrees that a danger exists, the **employer shall** take immediate action to protect employees from the danger. The **employer shall** inform the workplace committee or the health and safety representative of the matter and the action taken to resolve it.

### **Continued Refusal**

(9) If the matter is not resolved under subsection (8), the employee may, if otherwise entitled to under this section, continue the refusal and the employee **shall** without delay report the circumstances of the matter to the **employer** and to the workplace committee or the health and safety representative.

### **Investigation of Continued Refusal**

(10) If the workplace committee receives a report under subsection (9), it **shall** designate, to investigate the matter immediately in the presence of the employee who reported it, two members of the committee, namely, one employee member from those chosen under paragraph 135.1(1)(b) and one **employer** member who is not from those chosen under that paragraph. If the health and safety representative receives a report under subsection (9), they **shall** immediately investigate the matter in the presence of the employee who reported it and a person who is designated by the **employer**. **Section 128(1) to (10).**

### **For more information:**

- **Section (10.1).**
- Additional information. **Section (10.2).**
- If more than one report. **Section (11).**
- Absence of employee. **Section (12).**
- Decision of employer. **Section (13).**
- Decision – paragraph. **Section (13)(a).**
- Decision – paragraph. **Section (13)(b) or (c).**
- Information to Head. **Section (16).**

Further details on the Canada Labour Code can be found at [justice.gc.ca](https://www.justice.gc.ca).

## **ALBERTA**

In Alberta, workers have the right to refuse unsafe work under the [Occupational Health and Safety Act](#) – **Part 3 Dangerous Work and Disciplinary Action, Section 17.** These regulations allow workers to refuse work if they believe it poses a danger to

their health and safety or that of others.

### **Right to Refuse Dangerous Work**

(1) In this section, "undue hazard" in relation to any occupation includes a hazard that poses a serious and immediate threat to the health and safety of a person.

(2) Subject to this section and section 5, a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds that there is 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.

(3) When exercising a right to refuse to work or to do particular work under subsection (2), a worker **shall** ensure, as far as it is reasonable to do so, that the refusal does not endanger the health and safety of any other person.

(4) A worker who refuses to work or to do particular work under subsection (2) **shall** promptly report the refusal and the reasons for it to the worker's **employer** or supervisor or to another person designated by the **employer** or supervisor.

(5) An **employer** who receives a report under subsection (4) **shall**, as soon as possible, inform the joint health and safety committee, if there is one, or the health and safety representative, if there is one, of the report.

(6) The **employer** may require a worker who has made a report under subsection (4) to remain at the work site and may assign the worker temporarily to other work assignments that the worker is reasonably capable of performing.

(7) A temporary assignment under subsection (6), if there is no loss in pay, is not disciplinary action for the purposes of section 18.

(8) If the **employer** does not remedy the alleged undue hazard immediately, the **employer shall**, after discussing the matter with the worker who refuses to work or do particular work under subsection (2), immediately inspect the alleged undue hazard.

(9) The **employer required** to inspect under subsection (8) **shall** take any action necessary to remedy any undue hazard or ensure that such action is taken.

(10) When a worker has refused to work or to do particular work under subsection (2), the **employer shall** not request or assign another worker to do the work until the **employer** has determined that the work does not constitute an undue hazard to the health and safety of any person or that an undue hazard does not exist.

(11) On completing an inspection under subsection (8), the **employer shall** prepare a written report of the refusal to work, the inspection and the action taken, if any, under subsection (9).

(12) The **employer shall** give a copy of the report completed under subsection (11) to the worker who refused work under subsection (2), the joint health and safety committee if there is one and the health and safety representative if there is one.

(13) If a worker who receives a report under subsection (12) is of the opinion that an undue hazard still exists, the worker may notify an officer.

(14) Where the **employer** becomes aware that a notification to an officer was made under subsection (13), the **employer shall** advise any other worker that the **employer** assigns to do the work, in writing, of:

- (a) the first worker's refusal,
  - (b) the reasons for the refusal, and
  - (c) the reason why, in the opinion of the **employer**, the work does not constitute an undue hazard to the health and safety of any person or that an undue hazard is not present.
- (15) An officer who receives a notification under subsection (13) **shall** investigate the matter and prepare a written record of the investigation and the officer's findings, and **shall** give the joint health and safety committee if there is one, the health and safety representative if there is one, the worker and the **employer** a copy of the record. **Section 17(1) to (15).**

**Further details on the Occupational Health And Safety Code can be found at [Laws.Alberta.ca](http://Laws.Alberta.ca).**

## **BRITISH COLUMBIA**

In British Columbia, workers have the right to refuse unsafe work under the **Occupational Health and Safety Regulation – Part 3: Rights and Responsibilities, Sections 3.12 to 3.13**. These regulations ensure that workers can refuse work if they believe it presents an undue hazard to their health and safety or that of others. **Employers** are **required** to investigate the refusal, take necessary corrective actions, and ensure that no worker faces retaliation for exercising their rights.

### **Procedure for Refusal**

- (1) 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 to do so would create an undue hazard to the health and safety of any person.
- (2) A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) **must** immediately report the circumstances of the unsafe condition to the worker's supervisor or **employer**.
- (3) A supervisor or **employer** receiving a report made under subsection (2) **must** immediately investigate the matter and:
  - (a) ensure that any unsafe condition is remedied without delay, or
  - (b) if, in the supervisor's or **employer's** opinion, the report is not valid, **must** so inform the person who made the report.
- (4) If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, 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 joint committee,
  - (b) a worker who is selected by a trade union representing the worker, or
  - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.

(5) If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the **employer**, and the worker **must** immediately notify an officer, who **must** investigate the matter without undue delay and issue whatever orders are deemed necessary. **Section 3.12(1) to (5).**

### **Reassignment of Refused Work**

If a worker refuses work under section 3.12, the **employer must** not require or permit another worker to do the refused work unless:

- (a) the matter has been resolved under section 3.12(3), (4) or (5), or
- (b) the **employer** has, in writing, advised the other worker and a person referred to in section 3.12(4)(a), (b) or (c) of all of the following:
  - (i) the refusal;
  - (ii) the unsafe condition reported under section 3.12(2);
  - (iii) the reasons why the work would not create an undue hazard to the health and safety of the other worker or any other person;
  - (iv) the right of the other worker under section 3.12 to refuse unsafe work. **Section 3.12.1(a)(b).**

### **No Prohibited Action**

(1) A worker **must** not be subject to prohibited action as defined in section 47 of the *Workers Compensation Act* because the worker has acted in compliance with section 3.12 or with an order made by an officer.

(2) Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved under section 3.12 (3), (4) or (5) is deemed not to constitute prohibited action. **Section 3.13(1)(2).**

**Further details on the Occupational Health and Safety Regulation can be found at [WorkSafeBC.com](http://WorkSafeBC.com).**

### **MANITOBA**

In Manitoba, workers have the right to refuse unsafe work under the [Workplace Safety and Health Act and Regulation](#) – **Right to Refuse Dangerous Work, Sections 43 to 43.3(2)**. These regulations ensure that workers can refuse work if they reasonably believe it presents a danger to their health and safety or that of others.

### **Right To Refuse Dangerous Work**

(1) Subject to this section, a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person. **Section 43(1).**

### **Reporting the Refusal**

(2) A worker who refuses to work or do particular work under subsection (1) **shall** promptly report the refusal and the reasons for it to his or her **employer** or

immediate supervisor, or to any other person in charge at the workplace. **Section 43(2).**

### **Inspecting Dangerous Conditions**

(3) If the **employer** does not remedy the dangerous condition immediately, the person who receives the report of refusal to work, or a person designated by that person, **shall** immediately inspect the dangerous condition in the presence of the worker and one of the following persons:

(a) if there is a committee under section 40, the worker co-chairperson of the committee or, if that person is unavailable, a committee member who represents workers;

(b) if there is a representative designated under section 41, that representative or, if he or she is unavailable, another worker selected by the worker refusing to do the work;

(c) if there is no committee or representative, another worker selected by the worker who is refusing to work. **Section 43(3).**

### **Remedial Action**

(4) The person **required** to inspect the dangerous condition **shall** take any action necessary to remedy any dangerous condition, or ensure that such action is taken. **Section 43(4).**

### **Worker may Continue to Refuse**

(5) Until the dangerous condition is remedied, the worker who reported it may continue to refuse to work or do particular work. **Section 43(5).**

### **Other Workers not to be Assigned**

(6) When a worker has refused to work or do particular work under subsection (1), the **employer shall** not request or assign another worker to do the work unless:

(a) the **employer** has advised 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 under this section, and

(iv) the reason why, in the opinion of the **employer**, the work does not constitute a danger to the safety or health of the other worker, another worker or any person;

(b) where practicable, the first worker has advised the other worker of:

(i) the first worker's refusal, and

(ii) the reasons for the refusal; and

(c) the actions **required** by subsections (3) and (4) have been taken. **Section 43(6).**

### **Report of Dangerous Condition to an Officer**

(1) If the dangerous condition is not remedied after an inspection under subsection

43(3), any of the persons present during the inspection may notify a safety and health officer of the refusal to work and the reasons for it. **Section 43.1(1).**

### **Employer may Remedy Dangerous Condition**

(2) Subject to subsection 43(5), nothing in subsection (1) prevents the doing of any work or thing at a workplace that may be necessary to remedy a condition that is or is likely to be dangerous to the safety or health of a worker. **Section 43.3(2).**

**Further details on the Workplace Safety and Health Act and Regulation can be found at [Gov.MB.ca](http://Gov.MB.ca).**

### **NEW BRUNSWICK**

In New Brunswick, workers have the right to refuse unsafe work under the [Occupational Health and Safety Act](#) – **Right to Refuse, Sections 19 to 23**. These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

### **Employee's Right to Refuse to do any Act**

An employee may refuse to do any act where the employee has reasonable grounds for believing that the act is likely to endanger their health or safety or the health or safety of any other employee. **Section 19.**

### **Duty to Report and Take or Recommend Remedial Action**

[\(1\)](#) Any employee who believes that an act is likely to endanger the employee's or any other employee's health or safety **shall** immediately report their concern to their supervisor, who **shall** promptly investigate the situation in the presence of the employee.

[\(2\)](#) If a supervisor finds that the employee has reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the supervisor **shall** take appropriate remedial action or recommend appropriate remedial action to the **employer**.

[\(3\)](#) If a supervisor finds the employee does not have reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the supervisor **shall** advise the employee to do that act.

[\(4\)](#) If an employee has made a report under subsection (1) and the matter has not been resolved to the employee's satisfaction, the employee **shall** refer the matter to a committee or, where there is no committee, to an officer.

[\(5\)](#) Upon receipt of a referral under subsection (4), the committee **shall** promptly investigate the situation.

[\(6\)](#) Where a committee finds that the employee has reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the committee **shall** recommend appropriate remedial action to the **employer**.

[\(7\)](#) Where a committee finds that the employee does not have reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the committee **shall** advise the employee to do



that act.

(8) Where a matter has been referred to a committee under subsection (4) and the matter is not resolved to the satisfaction of the employee, the employee **shall** refer the matter to an officer.

(9) Upon receipt of a referral under subsection (4) or (8), the officer **shall** promptly investigate the situation and make the officer's findings known in writing as soon as is practicable to the **employer**, the employee and the committee, if any, as to whether the employee has reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health and safety of any other employee.

(10) Where, on a referral to an officer under subsection (4) or (8), the officer finds that an employee has reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the officer **shall** order appropriate remedial action to be taken by the **employer**.

(11) Where, on a referral to an officer under subsection (4) or (8), the officer finds that an employee does not have reasonable grounds for believing that an act is likely to endanger the employee's health or safety or the health or safety of any other employee, the officer **shall** advise the employee in writing to do that act.

(11.1) Subsections 32(2) and (3) apply with the necessary modifications to advice given in writing by an officer under subsection (11).

(12) Pending any investigation under this section or, if an appeal is taken by an employee against the advice of an officer given under subsection (11), pending the decision of the Chief Compliance Officer, the employee **shall** remain available at a safe place near the employee's work station during the employee's normal work hours. **Section 20(1) to (12).**

**For more information:**

- Protection of employee's right. **Section 21(1)(2).**
- **Section 22(1)(2).**
- No reassignment. **Section 23.**

**Further details on the Occupational Health and Safety Act can be found at [Laws.GNB.ca](http://Laws.GNB.ca).**

## **NEWFOUNDLAND & LABRADOR**

In Newfoundland and Labrador, workers have the right to refuse unsafe work under the **Occupational Health and Safety Regulations – Part I General, Section 5**, and the **Occupational Health and Safety Act, Sections 45 to 48**. These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

### **Right to Refuse Work**

(1) Where an **employer** cannot resolve an issue in the workplace regarding occupational health and safety and there is a refusal to work, the issue **shall** be referred to the occupational health and safety committee, the worker health and safety representative or the workplace health and safety designate, as appropriate, and the **employer shall**

notify the division.

(2) Where a notification under subsection (1) is made orally, the **employer shall** provide the division with a written confirmation of the notification within 5 days of the oral notification.

(3) Where action has been taken by a worker to exercise the right to refuse to work under the Act, the **employer shall** not assign a substitute worker to perform those duties unless the substitute worker has been informed of the prior refusal and the reason for that refusal. **Section 5(1) to (3).**

### **Right to Refuse to Work**

(1) A worker may refuse to do work that the worker has reasonable grounds to believe is dangerous to the health or safety of the worker, another worker or another person at the workplace:

(a) until remedial action has been taken by the **employer** to the worker's satisfaction;

(b) until the committee or worker health and safety representative has investigated the matter and advised the worker to return to work; or

(c) until an officer has investigated the matter and has advised the worker to return to work.

(2) Where a worker refuses to do work under subsection (1), the **employer** may reassign the worker to other work that is reasonably equivalent to work that is normally performed by the worker and the worker **shall** accept the reassignment until the worker is able to return to work under subsection (1).

(3) Where a worker is reassigned to other work under subsection (2), the **employer shall** pay the worker the same wages or salary and grant the worker the same benefits the worker would have received had the worker continued in the worker's normal work.

(4) Where a worker has reasonably refused to work under subsection (1) and has not been reassigned to other work under subsection (2), the **employer shall** pay the worker the same wages or salary and grant the worker the same benefits the worker would have received had the worker continued to work, until the worker is able to return to work under subsection (1).

(5) A reassignment of work under subsection (2) is not discriminatory action under section 49. **Section 45(1) to (5).**

### **Report to Supervisor**

Where a worker exercises the worker's right to refuse to work in accordance with section 45, or where the worker believes that a tool, appliance or piece of equipment, or an aspect of the workplace is or may be dangerous to the health or safety of the worker, other workers or another person at the workplace, the worker **shall** immediately report it to the worker's supervisor. **Section 46.**

### **Report to Division**

Where a worker has made a report under section 46 and the matter has not been remedied to the worker's satisfaction, the worker **shall** report it, either in writing or orally, to the division or an officer. **Section 47.**

## Duty of Worker

A worker **shall** not take advantage of the right to refuse to work under section 45 without reasonable grounds. **Section 48.**

Further details on the Occupational Health and Safety Regulations and the Occupational Health and Safety Act can be found at [Assembly.NL.ca](http://Assembly.NL.ca) or [NL.ca](http://NL.ca).

## [NOVA SCOTIA](#)

In Nova Scotia, workers have the right to refuse unsafe work under the [Occupational Health and Safety Act, Sections 43 and 44](#). These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

## Right to Refuse Work

### Right to Refuse Work and Consequences of Refusal

(1) Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until:

- (a) the **employer** has taken remedial action to the satisfaction of the employee;
- (b) the committee, if any, has investigated the matter and unanimously advised the employee to return to work; or
- (c) an officer has investigated the matter and has advised the employee to return to work.

(2) Where an employee exercises the employee's right to refuse to work pursuant to subsection (1), the employee **shall**:

- (a) immediately report it to a supervisor;
- (b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and
- (c) where the matter is not remedied to the employee's satisfaction after the employee has reported pursuant to clauses (a) and (b), report it to the Division.

(3) At the option of the employee, the employee who refuses to do any act pursuant to subsection (1) may accompany an officer or the committee or representative, if any, on a physical inspection of the workplace, or part thereof, being carried out for the purpose of ensuring others understand the reasons for the refusal.

(4) Notwithstanding subsection 50(8), an employee who accompanies an officer, the committee or a representative, as provided in subsection (3), **shall** be compensated in accordance with subsection (7), but the compensation **shall** not exceed that which would otherwise have been payable for the employee's regular or scheduled working hours.

(5) Subject to any applicable collective agreement, and subsection (3), where an employee refuses to do work pursuant to subsection (1), the **employer** may reassign the employee to other work and the employee **shall** accept the reassignment until the employee is able to return to work pursuant to subsection (1).

(6) Where an employee is reassigned to other work pursuant to subsection (5), the **employer shall** pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued in the employee's normal work.

(7) Where an employee has refused to work pursuant to subsection (1) and has not been reassigned to other work pursuant to subsection (5), the **employer shall**, until clause (1)(a), (b) or (c) is met, pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued to work.

(8) A reassignment of work pursuant to subsection (5) is not a reprisal pursuant to Section 45.

(9) An employee may not, pursuant to this Section, refuse to use or operate a machine or thing or to work in a place where:

(a) the refusal puts the life, health, or safety of another person directly in danger; or

(b) the danger referred to in subsection (1) is inherent in the work of the employee. **Section 43(1) to (9).**

#### **Restriction on Assignment of Work Where Refusal**

Where an employee exercises the employee's right to refuse to work pursuant to subsection 43(1), no employee **shall** be assigned to do that work until the matter has been dealt with under that subsection, unless the employee to be so assigned has been advised of:

(a) the refusal by another employee;

(b) the reason for the refusal; and

(c) the employee's rights pursuant to Section 43. **Section 44(a) to (c).**

**Further details on the Occupational Health and Safety Act can be found at [NSlegislature.ca](http://NSlegislature.ca).**

#### **NORTHWEST TERRITORIES**

In the Northwest Territories, workers have the right to refuse unsafe work under the **Safety Act** – **Health and Safety, Section 13**. These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

#### **Definition of "Unusual Danger"**

(1) In this section, "**unusual danger**" means, in relation to any work,

(a) a danger that does not normally exist in that work; or

(b) a danger under which a person engaged in that work would not normally carry out his or her work.

#### **Right to Refuse Work**

(2) A worker may refuse to do any work where the worker has reason to believe that:

(a) there exists an unusual danger to the health or safety of the worker;

(b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person; or

(c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person.

### **Reporting Refusal to Work**

(3) On refusing to work, the worker **shall** promptly report the circumstances of his or her refusal to the **employer** or supervisor who **shall** without delay investigate the report and take steps to eliminate the unusual danger in the presence of the worker and a representative of the worker's union, if there is such, or another worker selected by the worker who **shall** be made available and who **shall** attend without delay.

### **Refusal to Work Following Investigation**

(4) Following the investigation and any steps taken to eliminate the unusual danger, the **employer** or supervisor, as the case may be, **shall** notify the worker of the investigation and the steps taken, and where the worker has reasonable grounds to believe that:

(a) there exists an unusual danger to the health or safety of the worker,

(b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, or

(c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, the worker may refuse to work and the **employer**, supervisor or worker **shall** without delay notify the Committee or, where there is no Committee, a delegate of the Chief Safety Officer of the refusal to work.

### **Decision of Committee or Delegate**

(5) The Committee or the delegate of the Chief Safety Officer, as the case may be, **shall**, within 24 hours after receiving notification, investigate the circumstances that caused the refusal to work in the presence of the **employer**, or a person representing the **employer**, and the worker, and decide whether an unusual danger exists or is likely to exist, as the case may be.

### **Performing Work if Unusual Danger Exists**

(6) Where it is decided under subsection (5) that an unusual danger exists or is likely to exist, as the case may be, no person **shall** perform the work until (a) the **employer** has taken steps to eliminate the unusual danger, and

(b) the Committee or the delegate of the Chief Safety Officer, as the case may be, is satisfied that the unusual danger no longer exists or is no longer likely to exist, and the Committee or the delegate of the Chief Safety Officer, on being satisfied of that, **shall** without delay notify the worker that the unusual danger no longer exists or is no longer likely to exist, as the case may be.

## **Where Worker to Remain Pending Decision or Appeal**

(7) Pending the investigation and decision by the Committee or the delegate of the Chief Safety Officer under subsections (5) and (6) or pending an appeal under subsection (9), the worker **shall** remain in a safe place at or near the place of the investigation during his or her normal working hours unless the **employer**, subject to the provisions of a collective agreement, if any, assigns the worker to temporary alternative work that the worker is competent to perform.

## **Pay**

(8) The worker **shall** be paid at his or her regular rate of pay during the normal working hours the worker spends at the place of the investigation or in the performance of alternative work.

## **Appeal**

(9) The worker or the **employer** may appeal a decision of the Committee to the Chief Safety Officer who **shall**, as soon as is practicable, investigate and decide on the matter.

## **Decision**

(10) Despite section 17, the decision of the Chief Safety Officer under subsection (9) is final. **Section 13(1) to (10).**

**Further details on the Safety Act can be found at [Gov.NT.ca](http://Gov.NT.ca).**

## **NUNAVUT**

In Nunavut, workers have the right to refuse unsafe work under the [Safety Act – Health and Safety, Section 13](#). These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

## **Definition of “Unusual Danger”**

(1) In this section, “**unusual danger**” means, in relation to any work,

(a) a danger that does not normally exist in that work; or

(b) a danger under which a person engaged in that work would not normally carry out his or her work.

## **Right to Refuse Work**

(2) A worker may refuse to do any work where the worker has reason to believe that:

(a) there exists an unusual danger to the health or safety of the worker;

(b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person; or

(c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person.

## **Reporting Refusal to Work**

(3) On refusing to work, the worker **shall** promptly report the circumstances of his or her refusal to the **employer** or supervisor who **shall** without delay investigate the report and take steps to eliminate the unusual danger in the presence of the worker and a representative of the worker's union, if there is such, or another worker selected by the worker who **shall** be made available and who **shall** attend without delay.

#### **Refusal to Work Following Investigation**

(4) Following the investigation and any steps taken to eliminate the unusual danger, the **employer** or supervisor, as the case may be, **shall** notify the worker of the investigation and the steps taken, and where the worker has reasonable grounds to believe that:

- (a) there exists an unusual danger to the health or safety of the worker,
- (b) the carrying out of the work is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, or
- (c) the operation of any tool, appliance, machine, device or thing is likely to cause to exist an unusual danger to the health or safety of the worker or of any other person, the worker may refuse to work and the **employer**, supervisor or worker **shall** without delay notify the Committee or, where there is no Committee, a delegate of the Chief Safety Officer of the refusal to work.

#### **Decision of Committee or Delegate**

(5) The Committee or the delegate of the Chief Safety Officer, as the case may be, **shall**, within 24 hours after receiving notification, investigate the circumstances that caused the refusal to work in the presence of the **employer**, or a person representing the **employer**, and the worker, and decide whether an unusual danger exists or is likely to exist, as the case may be.

#### **Performing Work if Unusual Danger Exists**

- (6) Where it is decided under subsection (5) that an unusual danger exists or is likely to exist, as the case may be, no person **shall** perform the work until (a) the **employer** has taken steps to eliminate the unusual danger, and
- (b) the Committee or the delegate of the Chief Safety Officer, as the case may be, is satisfied that the unusual danger no longer exists or is no longer likely to exist, and the Committee or the delegate of the Chief Safety Officer, on being satisfied of that, **shall** without delay notify the worker that the unusual danger no longer exists or is no longer likely to exist, as the case may be.

#### **Where Worker to Remain Pending Decision or Appeal**

(7) Pending the investigation and decision by the Committee or the delegate of the Chief Safety Officer under subsections (5) and (6) or pending an appeal under subsection (9), the worker **shall** remain in a safe place at or near the place of the investigation during his or her normal working hours unless the **employer**, subject to the provisions of a collective agreement, if any, assigns the worker to temporary alternative work that the worker is competent to perform.

#### **Pay**

(8) The worker **shall** be paid at his or her regular rate of pay during the normal working hours the worker spends at the place of the investigation or in the

performance of alternative work.

## **Appeal**

(9) The worker or the **employer** may appeal a decision of the Committee to the Chief Safety Officer who **shall**, as soon as is practicable, investigate and decide on the matter.

## **Decision**

(10) Despite section 17, the decision of the Chief Safety Officer under subsection (9) is final. **Section 13(1) to (10).**

Further details on the Safety Act can be found at [Gov.NT.ca](http://Gov.NT.ca).

## **ONTARIO**

In Ontario, workers have the right to refuse unsafe work under the [Occupational Health and Safety Act – Part V Right to Refuse or to Stop Work Where Health or Safety in Danger, Section 43](#). These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

## **Right to Refuse or to Stop Work Where Health or Safety in Danger – Part V**

### **Refusal to Work**

#### **Non-Application to Certain Workers**

(1) This section does not apply to a worker described in subsection (2),

(a) when a circumstance described in clause (3) (a), (b), (b.1) or (c) is inherent in the worker's work or is a normal condition of the worker's employment; or

(b) when the worker's refusal to work would directly endanger the life, health or safety of another person. **Section 43(1).**

### **Idem**

(2) The worker referred to in subsection (1) is,

(a) a person employed in, or a member of, a police service to which the *Community Safety and Policing Act, 2019* applies;

(b) a firefighter as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*;

(c) a person employed in the operation of,

(i) a correctional institution or facility,

(ii) a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise,

(iii) a place of temporary detention under the *Youth Criminal Justice Act* (Canada), or

(iv) a similar institution, facility, or place;



(d) a person employed in the operation of,

(i) a hospital, sanatorium, long-term care home, psychiatric institution, mental health centre or rehabilitation facility,

(ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental, or developmental disability,

(iii) an ambulance service or a first aid clinic or station,

(iv) a laboratory operated by the Crown or licensed under the *Laboratory and Specimen Collection Centre Licensing Act*, or

(v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in subclause (i) to (iv).

### **Refusal to Work**

(3) A worker may refuse to work or do particular work where he or she has reason to believe that,

(a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;

(b) the physical condition of the workplace or the part thereof in which he or she works or is to work is likely to endanger himself or herself;

(b.1) workplace violence is likely to endanger himself or herself; or

(c) any equipment, machine, device or thing he or she is to use or operate or the physical condition of the workplace or the part thereof in which he or she works or is to work is in contravention of this Act or the regulations and such contravention is likely to endanger himself, herself or another worker.

### **Report of Refusal to Work**

(4) Upon refusing to work or do particular work, the worker **shall** promptly report the circumstances of the refusal to the worker's **employer** or supervisor who **shall** forthwith investigate the report in the presence of the worker and, if there is such, in the presence of one of,

(a) a committee member who represents workers, if any;

(b) a health and safety representative, if any; or

(c) a worker who because of knowledge, experience and training is selected by a trade union that represents the worker, or if there is no trade union, is selected by the workers to represent them, who **shall** be made available and who **shall** attend without delay. **Section 43(1) to (4).**

### **For more information:**

- Refusal to work following investigation. **Section 43(6).**
- Investigation by inspector. **Section 43(7).**
- Decision of inspector. **Section 43(8)(9).**
- Worker to remain in safe place and available for investigation. **Section 43(10).**
- Duty to advise other workers. **Section 43(11)(12).**
- Entitlement to be paid. **Section 43(13).**

Further details on the Occupational Health and Safety Act can be found at [Ontario.ca](https://www.ontario.ca).

## **PRINCE EDWARD ISLAND**

In Prince Edward Island, workers have the right to refuse unsafe work under the [\*\*Occupational Health and Safety Act, Sections 28 and 29\*\*](#). These regulations ensure that workers can refuse work if they believe it presents a danger to their health and safety or that of others.

### **Refusal To Work**

#### **Right to Refuse Work**

(1) A worker may refuse to do an act at the worker's workplace where the worker has reasonable grounds for believing that the act is likely to endanger the worker's occupational health or safety or the occupational health and safety of another worker.

#### **Report to and Investigation by Supervisor**

(2) A worker who has reason to believe that an act is likely to endanger the worker's occupational health and safety or the occupational health or safety of another worker **shall** immediately report the concern to the worker's supervisor, who **shall** promptly investigate the situation in the presence of the worker.

#### **Remedial Action**

(3) Where a supervisor finds that the worker has reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the supervisor **shall** take appropriate remedial action or recommend appropriate remedial action to the **employer**.

#### **Refusal Found Groundless**

(4) Where a supervisor finds the worker does not have reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the supervisor **shall** advise the worker to do that act.

#### **Referral to Committee or Representative**

(5) Where a worker has made a report under subsection (2) and the matter has not been resolved to the worker's satisfaction, the worker **shall** refer the matter to a committee or representative or, where there is no committee or representative, to an officer.

#### **Investigation by Committee, Representative**

(6) On receipt of a referral under subsection (5), the committee, representative or officer **shall** promptly investigate the situation.

#### **Remedial Action**

(7) Where a committee or representative finds that the worker has reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the committee or representative **shall** recommend appropriate remedial action to the **employer**.

## **Advised to do Act**

(8) Where a committee or representative finds that the worker does not have reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the committee or representative **shall** advise the worker to do that act.

## **Referral to Officer**

(9) Where a matter has been referred to a committee or representative under subsection (5), and the matter is not resolved to the satisfaction of the worker, the worker may refer the matter to an officer.

## **Investigation by Officer**

(10) On receipt of a referral under subsection (5) or (9), an officer **shall** promptly investigate the situation and make the officer's findings known in writing, as soon as is practicable, to the **employer**, the worker and the committee or representative, if any, as to whether the worker has reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker.

## **Order for Remedial Action**

(11) Where, on a referral under subsection (5) or (9), an officer finds that a worker has reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the officer **shall** order remedial action to be taken by the **employer**.

## **Refusal Found Groundless by Officer**

(12) Where, on a referral under subsection (5) or (9), an officer finds that a worker does not have reasonable grounds for believing that an act is likely to endanger the worker's occupational health or safety or the occupational health or safety of another worker, the officer **shall** advise the worker to do that act.

## **Attendance at Workplace**

(13) Pending an investigation under this section, the worker **shall** remain available at the workplace during the worker's normal working hours. **Section 28(1) to (13).**

## **For more information:**

- Protection of worker's right of refusal. **Section 29(1).**
- Duty to advise other workers. **Section 29(2).**
- Assignment to other work without loss of wages. **Section 29(3).**
- Collective agreement applies. **Section 29(4).**
- Wages and benefits not affected if refusal upheld. **Section 29(5).**
- Frivolous refusal. **Section 29(6).**

Further details on the Occupational Health and Safety Act can be found at [PrinceEdwardIsland.ca](http://PrinceEdwardIsland.ca).

## **QUÉBEC**

In Quebec, workers have the right to refuse unsafe work under the [Act Respecting Occupational Health and Safety](#) – Chapter III Rights and Obligations, Division I The

**Worker, Sections 12 to 31.** These regulations ensure that workers can refuse work if they believe it poses a risk to their health and safety or that of others.

### **Chapter III – Rights and Obligations**

#### **Division I – The Worker – Right of Refusal**

A worker has a right to refuse to perform particular work if he has reasonable grounds to believe that the performance of that work would expose him to danger to his health, safety or physical or mental wellbeing, or would expose another person to a similar danger. **Section 12.**

No worker may, however, exercise his right under section 12 if his refusal to perform the work puts 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 his kind of work. **Section 13.**

Until an executory decision is rendered ordering a worker to resume work, the **employer shall** not, subject to section 17 and the second paragraph of section 19, have the work performed by another worker or by a person who ordinarily works outside the establishment and a worker who is exercising his right of refusal is deemed to be at work. **Section 14.**

Where a worker refuses to perform particular work, he **must** immediately inform his supervisor, his **employer** or an agent of his **employer**; if none of these persons is present at the workplace, the worker **must** take reasonable steps to ensure that one of them is informed as soon as possible. **Section 15.**

On being informed, the supervisor or, as the case may be, the **employer** or his agent **shall** convoke the safety representative to examine the matter and the corrective measures he intends to apply. **Section 16.**

If the worker maintains his refusal to perform the work when his supervisor or, as the case may be, the **employer** or his agent and the safety representative or the person replacing him are of opinion that no danger exists to justify the worker's refusal to work or that his refusal to work is based on grounds that are acceptable in the particular case of that worker but do not justify another worker's refusing to perform the work, the **employer** may, notwithstanding section 14, have the work performed by another worker. That other worker may accept to perform the work after being informed that the right of refusal has been exercised, and of the reasons therefor. **Section 17.**

After the situation has been examined, the intervention of an inspector may be **required** by:

- (1) the worker, if he maintains his refusal to perform the work;
- (2) the safety representative or the person replacing him if he believes that the performance of the work exposes the worker to danger to his health, safety or physical or mental well-being or exposes another person to similar danger; or
- (3) the **employer** or his agent, if he believes that the performance of the work does not expose the worker to danger to his health, safety or physical or mental well-being or does not expose another person to such danger, or that the corrective measures taken have dissipated the danger. **Section 18(1) to (3).**

The inspector **shall** determine immediately whether or not a danger exists that would justify the worker's refusal to work. He may require the worker to resume his work.

He may also prescribe temporary measures and require that corrective measures be taken within such time as he may determine. **Section 19.**

The inspector's decision may be the object of an application for review and a contestation before the Administrative Labour Tribunal in accordance with sections 191.1 to 193. **Section 20.**

A final decision applies as long as the circumstances remain unchanged. **Section 24.**

An **employer** may require a worker who has exercised his right to refuse to work to remain at the workplace and assign him temporarily to other duties that he is reasonably capable of performing. **Section 25.**

In cases where the exercise of the right to refuse to work prevents at least two other workers from working, the inspector **must** be present on the premises not later than six hours after his intervention has been **required**. **Section 26.**

Where two or more workers refuse to perform particular work by reason of the same danger, their cases are examined jointly and may be the subject of a decision concerning them jointly. **Section 27.**

Where the exercise of the right of refusal results in depriving of work other workers in the undertaking, these other workers are deemed to be at work for the duration of the work stoppage. **Section 28.**

The **employer must** allow the safety representative or, as the case may be, the person replacing him, to exercise the functions vested in him by sections 16, 18, 21 and 23. **Section 29.**

No **employer** may dismiss, suspend or transfer a worker, practice discrimination or take reprisals against him or impose any other penalty on him on the ground that the worker exercised the right contemplated in section 12. **Section 30.**

No **employer** may dismiss, suspend or transfer a safety representative or the person replacing him, practice discrimination or take reprisals against him or impose any other penalty on him on the ground that the safety representative or person replacing him exercised a function conferred on him by this Act. **Section 31.**

**Further details on the Act Respecting Occupational Health and Safety can be found at [LegisQuebec.gouv.qc.ca](http://LegisQuebec.gouv.qc.ca).**

## **SASKATCHEWAN**

In Saskatchewan, workers have the right to refuse unsafe work under the **[Saskatchewan Employment Act](#) – Part II Employment Standards, Division 5 Right to Refuse Dangerous Work; Discriminatory Action, Sections 3-31 to 3-34**. These regulations ensure that workers can refuse work if they believe it poses a danger to their health and safety or that of others.

### **Division 5 – Right to Refuse Dangerous Work; Discriminatory Action**

#### **Right to Refuse Dangerous Work**

A worker may refuse to perform any particular act or series of *acts* at a place of employment if the worker has reasonable grounds to believe that the act or series of acts is unusually dangerous to the worker's health or safety or the health or safety of any other person at the place of employment until:

- (a) sufficient steps have been taken to satisfy the worker otherwise; or
- (b) the occupational health committee has investigated the matter and advised the worker otherwise. **Section 3-31.**

### **Investigation by Occupational Health Officer**

If there is no occupational health committee at a place of employment or if the worker or the **employer** is not satisfied with the decision of the occupational health committee pursuant to clause 3-31(b):

- (a) the worker or the **employer** may request an occupational health officer to investigate the matter; and
- (b) the worker is entitled to refuse to perform the act or series of acts pursuant to section 3-31 until the occupational health officer has investigated the matter and advised the worker otherwise pursuant to subsection 3-33(2). **Section 3-32.**

### **Decision of Occupational Health Officer**

- (1) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer may issue a notice of contravention in writing to the **employer** requiring the appropriate remedial action.
- (2) If an occupational health officer decides that the act or series of acts that a worker has refused to perform pursuant to section 3-31 is not unusually dangerous to the health or safety of the worker or any other person at the place of employment, the occupational health officer **shall**, in writing:

- (a) advise the **employer** and the worker of that decision; and
- (b) advise the worker that he or she is no longer entitled to refuse to perform the act or series of acts pursuant to section 3-31. **Section 3-33(1)(2).**

### **Other Workers not to be Assigned**

If a worker has refused to perform an act or series of acts pursuant to section 3-31, the **employer shall** not request or assign another worker to perform that act or series of acts unless that other worker has been advised by the **employer**, in writing, of:

- (a) the refusal and the reasons for the refusal;
- (b) the reason or reasons the worker being assigned or requested to perform the act or series of acts may, in the **employer's** opinion, carry out the act or series of acts in a healthy and safe manner; and
- (c) the right of the worker to refuse to perform the act or series of acts pursuant to section 3-31. **Section 3-34.**

Further details on the Saskatchewan Employment Act can be found at [Saskatchewan.ca](https://www.saskatchewan.ca).

### **YUKON TERRITORY**

In Yukon, workers have the right to refuse unsafe work under the [Occupational Health and Safety Act](#), **Sections 15 to 17**. These regulations ensure that workers can refuse

work if they believe it presents a danger to their health and safety or that of others.

## **Hazardous Work**

### **Refusal by Employee**

(1) A worker may refuse to work or do particular work if the worker has reason to believe that:

(a) the use or operation of a machine, device, or thing constitutes an undue hazard to that worker or any other person; or

(b) a condition exists in the workplace that constitutes an undue hazard.

(2) A worker who refuses to work or do particular work **shall** immediately report the circumstances of the matter to their **employer** or supervisor who **shall** immediately investigate the situation reported in the presence of the worker and in the presence of:

(a) the committee, if any;

(b) a health and safety representative, if any, who represents the worker; or

(c) a worker selected by the employee, who **shall** be made available and **shall** attend without delay.

(3) After the investigation referred to in subsection (2) and any action taken to remove the hazard, the worker may again refuse to work or do particular work:

(a) the use or operation of the machine, device, or thing continues to constitute an undue hazard to them or to any other person; or

(b) the condition of the workplace continues to constitute an undue hazard.

(4) A worker who refuses under subsection (3) to work or do particular work **shall** immediately report the circumstances of the matter to their **employer** or supervisor and the **employer** or supervisor **shall** then immediately report the circumstances of the matter to a safety officer.

(5) No worker may exercise their right under subsection (1) or (3) if their refusal to perform the work puts the life, health, safety, or physical well-being of another person in immediate danger or if the conditions under which the work is to be performed are ordinary conditions in that kind of work. **Section 15(1) to (5).**

### **Investigation by Safety Officer**

(1) On receiving a report under subsection 15(4) about a worker's refusal to work, a safety officer **shall** immediately investigate or cause another safety officer to investigate the matter.

(2) On completion of an investigation made pursuant to subsection (1) the safety officer **shall** decide whether or not the machine, device, or thing, or workplace or part thereof constitutes an undue hazard to the worker or another person.

(3) The safety officer **shall** give their decision in writing as soon as is practicable to the **employer**, the worker, and the worker's representative.

(4) Until the investigation and decision by the safety officer, the worker **shall**

remain at a safe place near their work station during their normal working hours unless the **employer**, subject to the provisions of a collective agreement, if any, assigns the worker reasonable alternative work during those hours.

(5) Until the investigation and decision of the safety officer, no worker **shall** be assigned to use or operate the machine, device, or thing or to work in the workplace or the part thereof that is being investigated, unless the worker to be so assigned has been advised of the other worker's refusal and the reason for it.

(6) The time spent by a person pursuant to subsection (4) **shall** be deemed to be work time for which the person **shall** be paid by the **employer** at that person's regular or premium rate as may be the case.

(7) The **employer** may, within 10 days following the final decision, dismiss, suspend, or transfer a worker or impose a disciplinary measure, if the final decision indicates that the worker abused their right. **Section 16(1) to (7).**

### **Appeal to the Director**

Despite subsection 26(2), an appeal against a decision or an order of a safety officer under section 15 **must** be delivered to the director within seven days after the date of the decision or order. **Section 17.**

**Further details on the Occupational Health and Safety Act can be found at [Laws.Yukon.ca](http://Laws.Yukon.ca).**