Refusing "dangerous work"

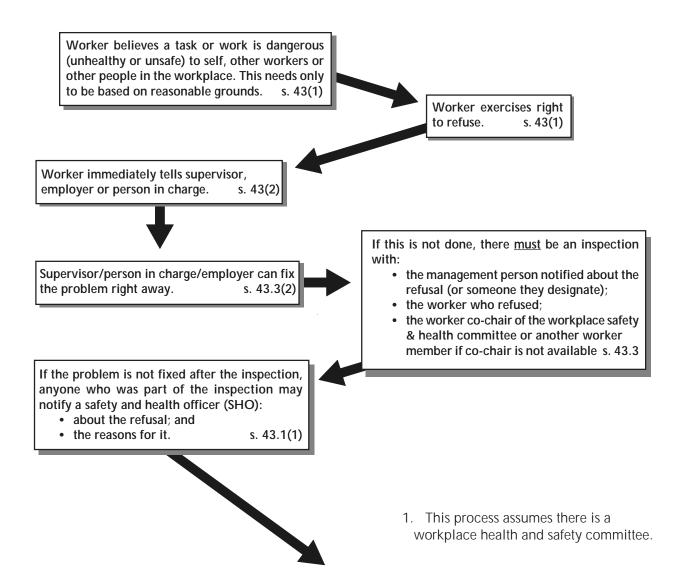
One of the most important rights workers have is refusing work that they think might hurt themselves or someone else. Here's a summary of who has to do what when someone "exercises" or uses their right to refuse dangerous work.

Exercising the right to refuse unsafe or unhealthy work under the Workplace Safety and Health Act, sections 43(1) to 43.3(2)¹

The context:

The employer (including supervisors, agents or other representatives) must not make or allow a worker to do something the employer knows (or ought to know) is dangerous to a worker's health and/or safety.

s. 43.3(1)



The authors' wording presented above does not replace the Province of Manitoba's legislated Act and Regulations. The official versions can be found on-line at http://www.gov.mb.ca/labour/safety/actregnew.html or by contacting the Manitoba Workplace Safety and Health Division office.







The SHO must investigate and decide if the task is a health or safety hazard for the worker, other workers or other people in the workplace. s. 43.1(2)





The SHO must:

- · write a report with "findings"
- · issue an improvement order/stop work
- · give a copy of report and order(s) to
 - the worker who refused,
 - the employer, and
 - committee co-chairs s. 43.1(3)

The SHO must:

- · tell the worker and employer about the decision
- · tell the worker s/he cannot continue to refuse to do the task/work s. 43.1(4)

To this point ...

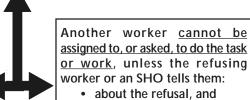
The management person must fix or make sure someone else fixes the problem. s. 43(4)

Other than a worker continuing to refuse to do the task, nothing prevents doing whatever is needed to fix a problem that is or likely to be unhealthy or unsafe. s. 43.3(2)

The worker can continue to refuse, unless the hazard is fixed. S/he:

- must be paid at the regular rate during the refusal and investigation, and
- may be re-assigned to another job temporarily.

s. 43.2



- reasons for it.

s. 43(6)

Anyone affected by an order or decision may appeal to the Director of the Workplace Safety and Health Division and then to the Manitoba Labour Board. Nothing has to be fixed until a decision is made at these levels. s. 37(1)(d) and 39(1)

The authors' wording presented above does not replace the Province of Manitoba's legislated Act and Regulations. The official versions can be found on-line at http://www.gov.mb.ca/labour/safety/actregnew.html or by contacting the Manitoba Workplace Safety and Health Division office.



