



DID YOU KNOW THAT...

WITH RESPECT TO THE RIGHT OF REFUSAL

According to the **Act respecting occupational health and safety**, “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 well-being or would expose another person to a similar danger**”, and this, without the result of any loss of salary.

IN WHAT CIRCUMSTANCES CAN I EXERCISE MY RIGHT OF REFUSAL?

- As soon as any danger is present
The danger may be immediate or its nature may be such as to cause other dangers. Danger exists when a situation puts us or others at risk.
- When there are reasonable grounds to believe that there is danger
We have to be able to explain the grounds for our refusal. Here are some examples of grounds:
 - working conditions which aren't in compliance with standard regulations;
 - extreme cold;
 - insufficient supply of fresh air, poor ventilation;
 - lack of personal safety equipment;
 - a worker who is indisposed;
 - faulty equipment;
 - abnormal working conditions.

The right of refusal may not be exercised if it will have the effect of putting the life, health, safety or physical well-being of another person in immediate danger.

The right of refusal may not be exercised if the conditions under which the work is to be performed are ordinary conditions in this kind of work.

The right of refusal is an individual right, **it cannot be exercised by a union on behalf of its members**. It is, however, possible for many workers to exercise their individual rights of refusal at the same time.

HOW DO I EXERCISE MY RIGHT OF REFUSAL?

- Notify your immediate supervisor or any management representative without delay;
- Give the reasons for your refusal;
- Remain available for work on the premises;
- Make sure that the union representative is notified;
- Make sure that the employer doesn't get another person to do your work.

IS THE RIGHT OF REFUSAL AUTOMATICALLY GRANTED?

There are three possibilities:

1. Both management and the union representative consider the refusal to be justified. The necessary corrections must then be made before the worker returns to work.
2. Management and the union representative don't agree as to the danger or the necessary correctives: management or the union representative must then request the intervention of a CSST inspector.
3. Neither management nor the union representative feels that there is any risk: you can then either return to your work, or maintain your refusal and call a CSST inspector. Before you do this, make sure you completely understand the arguments put forward by your union representative.

WILL I BE PAID WHILE I AM EXERCISING MY RIGHT OF REFUSAL?

During the period of refusal, the employer must continue to pay your salary. This is also true of the union delegate and any other worker affected by the work stoppage.

CAN THE EMPLOYER ASSIGN OTHER TASKS TO ME?

During the period of refusal, the employer can assign the worker to other duties that he or she is reasonably capable of performing.

Source: *The Right of Refusal (CSQ)*

Other Information Capsules or Application Guides can be found on the FPSES website under the tab "**Guides d'interprétation**". This will answer many of your questions.

Feel free to contact your local union for further information or to suggest new topics.

