

- In the meantime, you may be assigned to reasonable alternative work or asked to remain in a safe place.
- An officer from Employment and Social Development Canada (ESDC) will investigate in the presence of all parties.
- The minister responsible for ESDC will give you and the employer his or her decision in writing.
- If ordered to go back to work as a result of the ESDC Minister's decision, you must comply.
- You or CUPW have up to ten (10) days to appeal the decision.

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Right of Refusal

under Section 128 of the *Canada Labour Code*

- You have the right to refuse dangerous work if you have reasonable cause to believe that this work will endanger your health or endanger another worker's health.

cupw•sttp

 **CUPE 1979**

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 **CUPE 1979**

- Bring your CUPW Union Representative with you when reporting your refusal to the employer.
- The employer must investigate the situation immediately and in your presence.
- The employer must provide the results of the investigation in a **written** report as soon as it has completed its investigation.
- You may continue to refuse if you believe that the employer did not correct the danger after investigating.
- You must inform the employer and the Local Joint Health and Safety Committee or the health and safety representative (in offices with fewer

than 20 employees) of your refusal. The Committee will then designate two members (an employee representative and an employer representative) to conduct an investigation.

- You may attend the investigation, if you so wish.
- Following this process, if the employer concludes there is no danger, it must advise you **in writing**.
- If you wish to continue refusing, the employer must immediately inform the Minister and the Local Joint Health and Safety Committee or health and safety representative of its decision and your continued refusal, and provide a copy of its report to the Minister.

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