

Refusing to Work because Conditions are Dangerous

Workers have the right to refuse to do a job if they believe in good faith that they are exposed to an imminent danger. "Good faith" means that even if an imminent danger is not found to exist, the worker had reasonable grounds to believe that it did exist.

The United States Supreme Court, in the Whirlpool case, issued the landmark ruling which more clearly defined a worker's right to refuse work where an employee has reasonable apprehension that death or serious injury or illness might occur as a result of performing the work. **However, as a general rule, you do not have the right to walk off the job because of unsafe conditions.**

REFUSING WORK IS PROTECTED IF:

Your right to refuse to do a task is protected if **ALL** of the following conditions are met:

- ✓ Where possible, you have asked the employer to eliminate the danger, and the employer failed to do so; **and**
- ✓ You refused to work in "good faith." This means that you must genuinely believe that an imminent danger exists. Your refusal cannot be a disguised attempt to harass your employer or disrupt business; **and**
- ✓ A reasonable person would agree that there is a real danger of death or serious injury; **and**
- ✓ There isn't enough time, due to the urgency of the hazard, to get it corrected through regular enforcement channels, such as requesting an OSHA inspection.

CONDITIONS ARE MET, NEXT STEPS:

When all of these conditions are met, you take the following steps:

- ✓ Ask your employer to correct the hazard;
- ✓ Ask your employer for other work;
- ✓ Tell your employer that you won't perform the work unless and until the hazard is corrected; **and**
- ✓ Remain at the worksite until ordered to leave by your employer.

The table below offers a few "IF/THEN" scenarios to follow.

IF	THEN
You believe working conditions are unsafe or unhealthful.	Call your employer's attention to the problem.
Your employer does not correct the hazard or disagrees with you about the extent of the hazard.	You may file a complaint with OSHA.
Your employer discriminates against you for refusing to perform the dangerous work.	Contact OSHA immediately.