

The Right to Refuse to Perform Dangerous Work

The COVID-19 pandemic has created understandable uncertainty in waterfront workplaces and the seafaring community. Recently, the Guild has issued e-mail blasts to all members and a [bulletin with links to the appropriate websites](#) that are being used to provide official government updates that are relevant to our particular sectors. Members are encouraged to continue to monitor those sites for emerging developments.

Unlike many other employees who are able to remain home during this crisis, marine workers and seafarers have been identified as performing work that is critical to the safety of Canada's transportation system. On top of this, Guild members on a regular basis, already faced very serious challenges in the normal conditions of their employment that are not part of day-to-day activities for workers in many other sectors.

There have been no changes due to COVID-19, of a worker's right to refuse to perform dangerous work when a worker believes that their safety, or that of other individuals, is in jeopardy. The right to refuse dangerous work is a serious matter which cannot be exercised lightly and this bulletin is not intended to encourage members to refuse work. Furthermore, the threshold of "danger" is similar but not identical in the different jurisdictions across the country. It is not simply a matter of stating that all Guild members should refer to the Canada Labour Code on a single website. This is because some Guild members are subject to the various provincial jurisdictions while others are subject to the federal code. Members will be able to rely on the advice of their local Guild representatives to determine the precise rules and regulations which apply to them, but the most important elements which apply across all regions are as follows:

The first step to refuse to perform dangerous work is to notify the employer that you believe the work is unsafe and provide any reasons for the refusal. This can be done verbally and immediately. For vessels that are underway, the employee should notify their supervisor or the master of the vessel of the danger, but may not discontinue working unless, or until, the vessel is secured alongside. An employee who has exercised their right to refuse dangerous work should remain available to perform alternative work and should continue to be paid while an investigation is conducted. The procedures for an investigation vary depending on jurisdiction. Guild Members should not hesitate to contact their Guild representative for advice and assistance when involved in a dangerous situation that has, or may, result in a refusal to work.