

Sample Right to Refuse Form

Employees in New Brunswick have the right to refuse work if they believe it presents an unsafe situation. When this happens, employers need to consider the work refusal on a case-by-case basis, depending on the situation. The same principles apply for managing workplace health and safety and work refusals during a pandemic as they do during normal conditions. [More information on COVID-19 and right to refuse.](#)

Step 1: The employee reports the concern to their immediate supervisor

I, _____, refuse to do the act assigned by my supervisor. I believe that this act is likely to endanger my health and safety (or the health and safety of others) for the following reason(s):

- | | |
|--|---|
| <input type="checkbox"/> I am not properly trained for the job | <input type="checkbox"/> Physical or mechanical hazards |
| <input type="checkbox"/> I do not have enough experience for the job | <input type="checkbox"/> Chemical hazards |
| <input type="checkbox"/> I do not have the necessary skills for the job | <input type="checkbox"/> Biological hazards |
| <input type="checkbox"/> I do not have the necessary equipment for the job | <input type="checkbox"/> Other (specify) |

Detailed explanation:

Date signed _____, by _____

Submitted to the supervisor _____ at (time) _____

Signed by supervisor upon receipt: _____

Answer from the supervisor:

- I find that _____ **has** reasonable grounds for believing that the act is likely to endanger the health and safety of the employee or the health and safety of others. Therefore, I recommend the following remedial action(s) to be taken **or** I will take the following remedial action(s) **so that the employee may** resume work.

- I find that _____ **does not have** reasonable grounds for believing that the act is likely to endanger his/her health and safety or the safety of any other employee. **Therefore, I advise the employee to do that act.**

Date signed _____ at (time) _____

Signature of supervisor: _____

Signature of worker: _____

Step 2: The employee refers the matter to the JHSC.

The worker submits this form to JHSC.

Received by: _____, representing the workers, and

_____, representing the employer

on (date) _____ at (time) _____

Answer: We, the members of the JHSC, have studied the reasons for this right to refuse submitted by _____, and we make the following recommendation (s):

- The JHSC finds the employee **has** reasonable grounds and make the following recommendation(s) to the employer

- Employer accepts recommendation Employer refuses recommendation
_____ (Employer)

The JHSC finds that the employee does not have reasonable grounds for the following reason(s)

The JHSC cannot reach a decision and have the following positions:

The JHSC advises _____ to refer the matter to an officer of the WorkSafeNB

_____ (Employee Representative)

_____ (Employer Representative)

Step 3: Referral to an officer at WorkSafeNB

- o When the matter is not resolved to the satisfaction of the employee, **the employee** refers it to an officer by calling WorkSafeNB at 1 800 999-9775.