

If your employer refuses to correct an unsafe or unhealthy work condition . . .

An important protection given to all workers by California Labor Code Section 6311 is the right to refuse to perform work if:

➔ by doing the work you would create a real and apparent hazard to your health and safety or the health and safety of your fellow workers, *and*

➔ by doing the work you would violate a CAL/OSHA standard or order or the Labor Code.

Before you refuse to do an unsafe job:

1. Tell your supervisor or employer about the hazard and ask that it be fixed.
2. Make it clear to the supervisor or employer that the only reasons you are refusing to do the work are: you believe that your safety or health would be in danger if you were to go ahead and do the work; and furthermore, you believe that doing the work would be a violation of either state occupational safety and health standards or the Labor Code.
3. Make it clear to the supervisor or employer that you are willing to work as soon as corrections have been made to make the job safe, and that you will do work that is safe in the meanwhile.
4. If you are not sure whether a particular job presents a hazard, talk to your union steward and/or other workers to find out whether they agree with you that the work presents a hazard to you or your fellow workers and violates a standard.

5. If the employer does not immediately eliminate the hazard, call the nearest office of the Division of Occupational Safety and Health.

If you refuse an unsafe or unhealthful work assignment which meets **both** of the conditions in the other column, your employer cannot punish you in any way. For instance, your employer cannot fire or demote you, deny wages to you, or give you a less desirable job. **If your employer does take any of these actions against you, immediately file a complaint of discrimination with the California Labor Commissioner.**

In June of 1980, six PG&E workers refused to clean up a toxic chemical spill because they claimed that their employer had not given them adequate training in handling this chemical or provided them with adequate protective clothing. PG&E briefly suspended the workers and warned them that they refused a similar job again, they would be fired; the company also put disciplinary letters in their personnel files.

The workers complained to the State Labor Commissioner claiming that they employer had punished them for using the right to refuse hazardous work. The Labor Commissioner ruled that the workers were within their legal rights to refuse to do the hazardous cleanup, and ordered their employer (PG&E) to pay them for the days they were suspended and the time spent at the Labor Commission hearing, and also to remove the disciplinary letters from their files.