

## Addressing Dangerous Working Conditions

The spread of COVID-19 raises questions regarding how employees can protect themselves from dangerous working conditions. The purpose of this document is to educate individual employees and union leaders about their rights regarding dangerous working conditions. Local unions should continue to address worker safety issues through collective bargaining and filing grievances when necessary, but leaders should not tell employees to refuse employer directives.

### Local Unions Should Proactively Address Workplace Safety Issues

Our unions protect worker safety by negotiating safe working conditions and addressing unsafe working conditions when they arise.

- **Workplace safety is a mandatory subject of bargaining.**
  - Locals should demand to bargain workplace safety issues
- **Grieve contract violations.**
  - Following an employer's directive does not waive an individual's or union's right to file a grievance.
- **Notify the employer of unsafe working conditions.**
  - When members raise safety concerns, share those concerns with the employer and explore opportunities to correct the conditions together.

### Refusing a Directive to Protect Your Health and Safety is an Individual Decision

While the Union should proactively address collective workplace safety issues using the methods above, there may be specific circumstances where an individual member believes it is necessary to refuse to follow a directive that compromises their safety. The general rule is that employees should “**obey now and grieve later.**” Health and safety issues are the exception to this rule, but by no means are a “get out of jail free” card. Employees risk discipline if they refuse an order and should be sensitive to the fact that **refusal should occur only when the situation is dire.**

- The **level of disciplinary protection** when a member refuses to obey an order depends on the standard of discipline in the collective bargaining agreement.
  - Members subject to a **just cause standard** are in a better position to avoid discharge for refusing work to protect themselves than those working under an **arbitrary and capricious standard.**
  - This means non-tenured members and probationary employees who may be **at will** are more vulnerable if they refuse unsafe work.
- Work is determined **unsafe** when a reasonable person, in the employee's circumstances, would agree **the task is unusually dangerous because there is a real threat of death or serious injury.**

Members should always:

- Notify their employer immediately when they believe a task risks their health and safety.
- Document the issue and contact a union representative before refusing, or carrying out, directives they feel would jeopardize their health or safety.