

The logo for AFSCME Health & Safety Fact Sheet features the text "AFSCME" in a large, bold, white sans-serif font, with "Health & Safety Fact Sheet" in a smaller, white, italicized sans-serif font below it. The background is a blue gradient with a stylized white star and swooshes, and a green horizontal bar at the bottom.

AFSCME

Health & Safety Fact Sheet

Bargaining for Stop Work Authority (Right to Refuse Work)

Background

The Occupational Safety & Health Administration (OSHA) was established by the Occupational Safety & Health (OSH) Act of 1970 to ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education, and assistance. OSHA allows states and U.S. territories to adopt and regulate their own 'State Plans'. State plans must be at least as effective as OSHA's standards to protect workers and prevent work-related injuries, illnesses, and deaths.

One provision of the OSH Act (and as a result, State Plans) is a '[workers' right to refuse dangerous work](#)' when certain conditions apply.

The Problem with OSHA's 'Right to Refuse Dangerous Work'

1. Not all state, county and municipal workers are covered by OSHA's regulations. Currently 21 states and several U.S. territories provide no safety and health protections for state, county, or municipal workers.
2. The provisions for a worker to be protected for exercising their right to refuse dangerous work exist under only very stringent conditions, if they even apply (Click [here](#) to see all the conditions that must apply).

One Solution - Stop Work Authority

A Stop Work Authority (SWA) program is a safety-based process that gives workers permission and the authority to stop work when they see a potential hazard or risk that could cause harm to themselves, their coworkers, the public, the environment, or to equipment. While the idea of a SWA program may not sound appealing to every employer, it is actually with their best interests in mind that one should be developed because their workers are often the first to see unsafe conditions which if left ignored could be costly.

Tips for Bargaining Language on Stop Work Authority

1. Know if your members are covered by OSHA or State equivalent regulations. If yes, you should still negotiate for more inclusive and protective stop work authority provisions.
2. Do not include language that requires:
 - A finding of "Reasonableness" – The term reasonable is a vague term that can become difficult to interpret and apply. Instead, language should state that the application of the Stop Work Authority may occur when the worker acted in good faith (honestly believed the work was unsafe).
 - Death or Serious Injury – OSHA's 'Right to Refuse' is based upon the imminent likelihood of death or serious injury. Quite frankly, this is not enough. AFSCME members should not be exposed to conditions that are likely to injure themselves, others, or harm the environment.
 - Blame – Stay away from contract language that allows blame to be put on an injured worker when they did not utilize their Stop Work Authority. While workers should adhere to the employers safety procedures, it is ultimately the employers' responsibility, not the workers', to provide a safe and healthful workplace.

Visit AFSCME's [contract database](#) (login required) for bargaining agreement language recommendations.