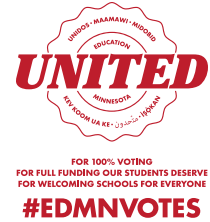




THE VOICE FOR PROFESSIONAL
EDUCATORS AND STUDENTS

Refusals to Work Due to Safety Concerns



Common Law and MN State Law Whistleblower Protection

- Protection against wrongful discharge for a refusal to participate in an activity.
- When the employee believes in good faith that the activity or conditions under which it is being performed violates state or federal rule or regulation.
- An employer's violation of recommendations or requirements from agencies that are not formal regulations or executive orders may not be sufficient.

OSHA-Protected Refusal to Work

- Good faith reasonable belief that work assignment involves exposure to COVID-19.
- Must request employer to correct hazardous conditions, including non-compliance with a mandate from the MDH or the presence of COVID in the workplace.
- Good faith refusal to work protected if employer does not correct conditions.
- Back pay only per MNOSHA finding.


Work Stoppage Mid-Contract

- Coordinated refusal to work.
- In lieu of or in addition to a demand to bargain.
- Barred by PELRA, and could result in termination and union decertification for two years.
- **Seek legal counsel from Education Minnesota before initiating or recommending a local work stoppage.**
- Better alternative: local demands to bargain over an imminent safety concern and files an unfair labor practice complaint if employer refuses.

Disclaimer: This publication is for informational purposes only and is not intended as a substitute for specific legal or other professional advice. If you have questions about you or your local's rights or legal options in a specific situation, please contact your Education Minnesota field representative.

Last updated: July 23, 2020

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