



# Right to Refuse Hazardous Work: A Study of the Challenge

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## Review Article

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## Abstract

The purpose of this article is to discuss the right of refusal of dangerous work/serious and imminent risks, their origins, characteristics, acknowledgments, negligence and potentialities. The importance of developing new perspectives and strategies for work organization raises the issue of the right of refusal at the center of these reflections, since their contributions can go beyond the expectations associated with health and safety at work, also improving other aspects of the productive system, such as the criteria associated with the quality of products and services, environmental variables and expectations aligned with social responsibility. For this, a participatory, democratic, non-punitive, and participatory approach to operators is paramount, which effectively values their contributions centered on their knowledge and practice. Concatenating prerogatives of normative prescriptions (operational procedures) with the knowledge and skills of the operators (practical intelligence) built and constituted in the actual work activity, the right of refusal can become an effective and innovative strategy for the management of work, contributing to the positive and significant achievement of the productive objectives proposed by the organizations.

**Keywords:** Right of Refusal; Organization of Work; Ergo Formation

## Introduction

The right to refuse dangerous work/serious and imminent risks is one of the most complex topics on occupational prevention and management. It preserves a potential to be understood and promoted both by the academic perspective and by the bias of work management practices within organizations. It is presented by Regulatory Standards (RS - in Portuguese NR) related to occupational safety and medicine in Brazil, as an instrument that ensures the worker to interrupt his/her activities if he/she considers that they involve serious and imminent risk to his/her health and safety (or that of third parties).

In addition to Regulatory Standards, the instrument

is recognized in collective agreements of some categories (oilmen), international laws from other countries and convention Number 155-Occupational Safety and Health (Article 13 and Article 19 - Letter F) of the International Labor Organization (ILO).

Its genesis and configuration are associated with the perspective of prevention, but its provisions and possibilities indicate new and necessary reflections, pointing out paths that perceive the organization of work in a systemic, expanded and complementary way. After all, thinking prevention strategies implies understanding the multiple variables of work contexts that simultaneously articulate aspects of health and safety, quality of processes and products, the environment and social responsibility.

The right of refusal is presented by Hilgert [1] as the study of the challenge, a both recognized and neglected theme, which engenders central issues on human rights, on protection and social inclusion, which goes beyond the limits of approaches techniques and brings to the center of the discussion the models that the different contemporary societies elaborate in the face of the challenge of maintaining and building the health and safety of workers, maintaining their own employment, especially in times of resumptions in Neoliberal perspectives.

Refusing not only means “not realizing what is required of it”, but also means doing what is otherwise requested, by different paths not always strictly aligned with the prior prescriptions, but also focused on individuals and collective sums of workers commitments with the results linked to productive expectations. For those reasons it is essential to recognize what perspectives of work organization the companies surveyed constitute their management strategies.

Organizations that consider work only from the perspective of the mere application of operational standards and procedures limit their perspective on work organization strategies, leaving on the sidelines extremely important elements that can contribute significantly in optimizing their processes: the skills built in the actual work activity by process operators, the protagonists of the action, which with their knowledge and doing are determinant to effect positive results in work.

New approaches to work organization necessarily imply the recognition of the dynamics between “predicting the best possible” associated “the presence in the face of unforeseen events”, which includes the mobilization and commitment of the various factors that make up the production processes.

### **The Right to Refuse Hazardous Work/ Serious and Imminent Risks**

The right to refuse dangerous work/serious and imminent risks is a right of workers, provided for in some of the Regulatory Standards of Ordinance 3214 of June 8th, 1978. Those Regulatory Standards are the requirements and procedures related to occupational safety and medicine in Brazil, mandatory compliance by private and public companies, public agencies of direct and indirect administration, and by the organs of the Legislative and Judiciary Authorities, which employees have governed by the Consolidation of Labor Laws (CLL – in Portuguese CLT). Failure to comply with those legal and regulatory provisions on occupational safety and health may lead to the employer applying penalties provided for in the legislation.

Historically, Law No. 6,514 of December 22nd, 1977,

established the drafting of Articles 154 to 201 of the Consolidation of Labor Laws addressing issues relating to occupational safety and medicine. Article 200 of the CLL (in Portuguese CLT) determined that the Ministry of Labor should establish the provisions complementary to occupational safety and medicine standards.

On June 8th, 1978, the Ministry of Labor approved Ordinance No. 3,214 that regulated at the time the twenty-eight (28) Regulatory Standards (in Portuguese - NR) relevant to occupational safety and medicine. Over time, those standards have been updated and expanded, totaling today the number of thirty-six (36) Regulatory Standards approved by the Ministry of Labor and Employment (in Portuguese MTE).

From the thirty-six (36) current Regulatory Standards, thirteen (13) are related to the right to refuse dangerous work/serious and imminent risk. Some with direct references, others with indirect references, but subject to interpretation, which indicate that the right of refusal can be triggered as a prevention strategy.

As an example, Regulatory Standard 09 – Environmental Risk Prevention Program (in Portuguese PPR), presents in its Annex 2 (Occupational Exposure to Benzene at gas stations), item 3. From the Rights of Workers, submit 3.1.2 the following description on the right of refusal:

When the worker is convinced, based on his/her training and experience, that there is a serious and imminent risk to his/her safety and health or to that of third parties, he/she must suspend the task and immediately inform his/her superior so that they may be appropriate correction measures have been taken. After assessing the situation and if the existence of the condition of serious and imminent risk is found, the hierarchical superior will maintain the suspension of the task until the situation is normalized.

Regulatory Standard 10 (Safety in Installations and Services in Electricity), item 10.14 Final provisions, submit 10.14.1 presents the right of refusal as follows:

Workers should interrupt their tasks by exercising the right of refusal, where they find evidence of serious and imminent risks to their safety and health or that of others, immediately communicating the fact to their hierarchical superior, who will take the appropriate measures.

In its Glossary, item 7 Right of Refusal, Regulatory Standard 10 (Safety in Installations and Services in Electricity), defines the right of refusal as an “instrument that ensures the worker to interrupt a work activity because he/she considers that it involves serious and imminent risk to his/her safety and health or other people”.

However, the right to refuse dangerous work/serious and imminent risks is not limited to the approach to regulatory standards. In Brazil, we highlight two articles and authors that indicate the beginnings of the approach to the theme: Freitas [2] points to the first legal experiences that contemplated the theme of the right to refuse dangerous work in the country, introduced in the Constitutions of the States of São Paulo and Rio de Janeiro in 1989; already Amorim Júnior [3], seeks to “demonstrate the profound relevance of the principle of the right of refusal of the worker to the legal system of protection of the health and safety of workers in the country”, in which the author defends the principle as an instrument of worker protection.

Lima [4] presents the right of refusal as a paradoxical instrument, little used by workers and ineffective for accident prevention. The author points out the punitive perspective that the instrument assumes when it starts to function as a duty, as an obligation of the worker.

For Lima [4], the fundamental causes of the ineffectiveness of the right of refusal would be associated with the impotence of legal formalisms in the face of the reality of work, the dynamic nature of the activity itself, and the intrinsic nature of the risks (which are potential, probable forms). Thus, it is considered that the right of refusal is an instrument of paradoxical prevention because instead of increasing the power of workers, it removes their autonomy to prevent accidents.

In this approach, it is argued that to increase the reliability of socio-technical systems it is necessary to have conditions for appropriation in the work activity of prevention devices, which would take place at the levels of individual and collective practice, organizational and social level (macrosocial) LIMA [4].

According to Lima [4], the potential and ineffectiveness of the right of refusal as a prevention instrument are explained by the obstacles that prevent its appropriation by workers during the performance of the work activity. What is paramount for security is not what is written in the norm, in the rule, but the instituting capacity of the activity to articulate preventive actions, in acting, in doing. Some work has been done on the subject right of refusal. Those approaches are the result of a master's survey conducted in a mining rubber store of Companhia Vale do Rio Doce (Vale), which triggered new reflections on the issues associated with workers' health and safety Souza Costa [5].

Souza Costa [6] elaborated reflections that directed to the problem of understanding how it occurs and whether the appropriation of the right to refuse dangerous work by workers in mining occurs. Another approach analyzed

the right of refusal to dangerous work in an electrical work context, the analysis deals with the working conditions of indirect workers (third parties) of the electrical sector of the state of Minas Gerais [7].

The right of refusal also appears in collective bargaining agreements, with special attention to the agreement of oilmen (Petrobras, collective labor agreement 2013-2015), which presents its clause 141st on right of refusal:

When the employee, in the exercise of his/her activities, based on his/her training and experience, after taking corrective measures, he/she has reasonable justification to believe that his/her life and/or physical integrity and/or his/her co-workers and/or installations and/or environment are at serious and imminent risk, may immediately suspend the performance of those activities, immediately communicating this fact to his/her hierarchical superior, that after evaluating the situation and verifying the existence of serious and imminent risk condition will keep the suspension of activities until that situation is normalized. Sole paragraph - The Company warrants that the right of refusal, under the above, will not imply disciplinary sanction.

This collective work agreement for the period 2013-2015 was signed between the company (Petróleo Brasileiro S/A - PETROBRAS, mixed economy society) and the unions (Single Federation of Oilmen - FUP and Trade Unions representative of the professional category of workers in the oil refining and distillation industry, workers in the oil extraction industry and workers in the chemical and petrochemical industry of the state of Bahia) duly authorized general meetings, held pursuant to Article 612 of the Consolidation of Labor Laws.

Internationally, the issue is based on the legislation of countries and integrated regions that structure its organization of work processes such as the European Agency for Safety and Health at Work. But in regions other than the European border, as in the case of the United States of America, workers have the right to refuse dangerous work, a subject addressed by the Occupational Safety and Health Administration – Department of Labor.

In Canada, a country composed of ten provinces and three territories, there is a distinction and complementation in occupational health and safety legislation between industries linked to the federal government and industries associated with provinces and territories.

The Canada Labor Code applies to industries where the federal government has jurisdiction, which include broadcasting, telecommunications, chartered banks, postal services, airports and air transport, transportation and navigation, interprovincial or international transport,

territories and reserve companies [8].

With complementary legislation, but aligned with the prospect of the right of refusal, addressed in the Canada Labor Code, other provinces have the right to refuse their legislation, such as Saskatchewan Province (located in central Western Canada) and the Province of Ontario.

Those approaches to legislation in the various Canadian provinces, shared with the commitments pointed out in the Canada Labor Code, demonstrate the degree of importance and relevance that the themes of social responsibility, health and safety of workers, prevention, mean to this society.

In the case of pregnant workers, the right may be exercised from the beginning of pregnancy to the end of breastfeeding. The practice of using the right of refusal translates into the employer's information about the situation, followed by a consultation with a doctor of her choice who must establish the existence of the identified risk. Thus, the employer notifies with the employee's consent to the Workplace Health and Safety Committee.

If possible, the employer may assign that pregnant nurse another activity that does not pose a risk to her, the fetus or the child. Employee duties and working hours may change, but wages and benefits may not. This worker shall not suffer any financial loss (or another) as a result of the exercise of this right in relation to the protection of her health and child.

The pregnant worker should establish that there is a risk as soon as possible, with a doctor qualified to establish her existence by issuing a medical certificate on the case. Once the doctor has certified the existence of the risk, the employee may no longer hold the position in accordance with the special provision. But if the risk is not found by the doctor, the pregnant nurse cannot fail to perform her duties.

In France, the theme right of refusal has been supported by laws and the Labor Code: Law 82-107 of December 23rd, 1982 (right of withdrawal in case of serious and imminent danger ) Law 96-393 13th May 1996 (on criminal liability for acts of recklessness or negligence) and Article L 4131-1 of the Labor Code which defines precisely the right: "The employee must notify the employer or representative, working situation that has reasons to believe it poses serious danger to your life" [9].

Graça [10] points out that the right to refuse or suspend work in case of danger" emerged in 1973, in a document of the International Labor Organization (ILO) associated with safety and health in the shipbuilding and repair industries. Hence the subject appeared in the laws of England (1975), Norway (1977), Sweden (1977) Canada (1977), France

(1982). But the highlight lies to Denmark, which according to the author, has included this right since 1910.

Convention No 155 (Occupational Safety and Health), Articles 13 and 19 shall make the following recommendations: Article 13 – In accordance with national practice and conditions, any worker should protect him/herself from unjustified consequences who deems it necessary to disrupt a working situation because he/she believes, for reasonable reasons, that it involves a danger imminent and serious for his/her life or his/her health.

Article 19–(f) worker shall immediately inform his/her direct hierarchical superior of any work situation which involves, for reasonable reasons, an imminent and serious danger to his/her life or health; until the employer has taken corrective action, if necessary, he/she will not be able to require workers to restart a work situation where there is a serious and imminent danger to his/her life or health.

Hilgert [1] points out that the study of refusal is a study of the challenge, which maintains its importance while recognized and neglected. The subject reserves numerous possibilities of advances, whether in its appropriation in the actual work activity as a management instrument, or in the academic area through research that investigates its limits, its contradictions and their possibilities of contribution to the success of the work organization.

The high rate of deaths and occupational diseases resulting from occupational activities forces global society to think about this phenomenon and develop strategies for its understanding and control. One of the most compelling and controversial forms of legal protection for workers is the right to refuse unsafe work that goes beyond the limits of technical perspectives on health and safety reaching its real dimension in human rights [1].

With the resumption and expansion of neoliberalism, characterized by the precariousness of work, by the increase of outsourcing processes, by attacks on workers' unions, reduction of individual and collective employment rights, the expressive and continuous formation of scenarios that threaten the maintenance and construction of workers' health and safety worldwide [1].

The right theme of refusal to work dangerous/serious and imminent risks offers multiple elements of complexity and opportunities for investigations that especially consider approaches to the organization of work processes. His questions reserve numerous possibilities of understanding and advancement in the most diverse fields of the universe of work.

## The Prominence for New Perspectives and Strategies for Work Management

The reflections begin by criticism of the classical approaches of prevention and the model of management and organization of work that privileges and considers work only under the aspects of mere application of operational norms and *procedures*, thus affecting the reductionist approach of normative prevention.

This perspective has limits that need to be questioned, reviewed and redirected to new prevention strategies that effectively contribute to the management and solution of problems in real work activity. New proposals point to the importance of building differentiated alternatives for prevention management, not limited only to a singular normative perspective, but in the development of approaches in which the association between the components of *standardized security* stands out (predict the best possible) with safety in *action* (presence in the face of the unforeseen) [11].

What do researchers highlight on the topic? What approaches are being proposed? Why conceive prevention strategies by not articulating the objective and subjective dimensions of risks? How do I design production systems that simultaneously optimize production results with workers' health and safety outcomes?

At the center of those reflections on advances in prevention is the question of the *right to refuse dangerous work/serious and imminent risks*, an instrument that can become an effective prevention strategy by dialectically articulating normative variables with the variables of the activity.

As a social achievement (union conquest and the sphere of labor law), the *right of refusal* becomes an instrument part of the safety procedures for some organizations LIMA [4], especially large companies that have policies and management of accident prevention, but this does not mean their effective appropriation.

The fact that it is written in the law, in the rule, does not mean that the right of *refusal* is appropriate by workers and serves as a facilitating instrument of work management, as observed in the statement presented below:

... in the company I work you can look for a right to refuse form with any supervisor he doesn't have, "no, I'll arrange one for you" such, but why? He also has to sign the right of refusal, so I'm not throwing responsibility on anyone, I am, talking about the coexistence of work ... if I'm going to make a right of refusal and I ask you to sign, you're going to have to sign, and you're signing, you're also saying you were putting me at risk in my work, so that right to refuse it automatically,

it's simply just to say that there is , but in practice, it does not exist, within companies... (MINEIRO, 2013, PROJECT CONNECTIONS).

Organizations need to manage their systems and multiple variables, and risk management is a key component to the success or failure of those companies. It is necessary to consider the internal and external threats that those organizations are exposed to, to understand their dynamic contexts by building a series of skills daily to meet their challenges.

There are organizations that consider prevention a purely illustrative aspect, linked to legal obligations. But there are also those organizations that consider prevention as a business strategy. In those two respects the *right to refuse dangerous work/serious and imminent risks* can find spaces and paths to develop.

In companies that prevention is limited to meeting legal requirements, the *right of refusal* can find in the legal aspects itself the force, the way to become an effective prevention strategy. The experiences built as a technician in occupational safety in the industrial contexts allowed the reflection and elaboration of a simplified model that frames the approaches of prevention in some organizations, in the following concepts as well as "Prevention Authority" and "Authoritarian Prevention".

In the "Prevention Authority" the aspects and requirements of safety, prevention, or work in general, are shared and discussed by system operators. There is a collective construction of the work, the issues are shared, built together, in the collective, the multiple experiences are articulated in relatively democratic spaces.

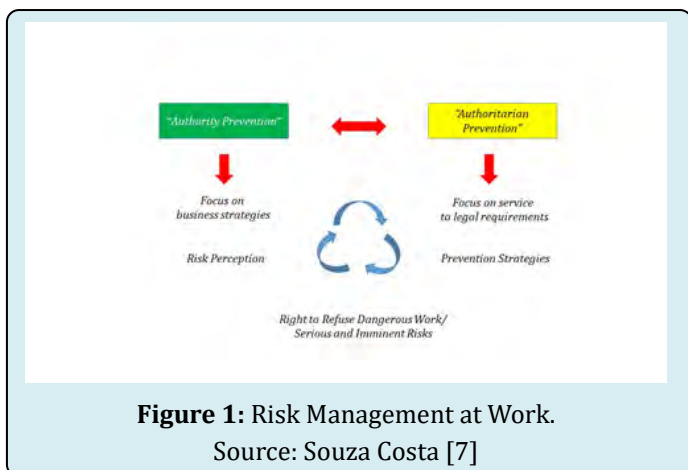
This model produced significant positive results, linked to a master's research Souza Costa [5] developed in a mining rubber shop. Fundamental aspects such as partial transformations of the organization and working conditions stand out; the strengthening of the *collective of work* at that time and space; the development of a singular relationship centered on trust and respect between SESMT (Specialized Services in Safety Engineering and Occupational Medicine) and workers; recognition and understanding of risk in its subjective dimension (beyond the objective dimension); the elaboration of a work safety model articulating the dichotomy between standardized safety and self-managed security; and finally, the development of a work safety model articulating the dichotomy between standardized safety and *self-managed safety*; and finally, the importance in investigating the right to refuse dangerous *work/serious and imminent risks* as a promising accident prevention strategy and work organization strategy.

The “Prevention Authority” is aligned with the perception that this theme is part of the business strategies, which should assist in the management of internal and external risks that threaten organizations daily. In such cases, there are more dialogues between operators, there is more “decision-making power” in their work, elements that facilitate management, anticipating and/or neutralizing threats. Thus, the *right of refusal* can become an effective instrument in work management, either as a tool of Integrated Management Systems (where any), or in compliance with the mandatory other relevant legal requirements such as health and safety regulatory standards.

The most important thing is to recognize that the *right of refusal to dangerous work* can be constructed and appropriate in spheres that are beyond the normative requirements, outside the objective dimensions of the work system. It can occur “on the sidelines” of the instruments provided by the organization, that is, outside the “officiality” of the work, but which produces knowledge and real elements for risk management and which are most often more enriching in understanding work significantly assisting in accident prevention.

In the system’s supposed “hiding,” the wealth of work proves to be individual and collective risk management strategies that protect it completely. Those collectives constituted, when committed to the organization, help in the prevention and mainly in the management of normative prescriptions and systems that the company has.

The illustration below represents a model on risk management in the study perceived by the researcher.



References to “authority” and “authoritarian” are results of reflections developed and influenced by demo’s approach [12] that points to the importance of discerning two fundamental concepts in its proposal for learning methodology. To research, draw up arguments, building

knowledge is fundamental in any matter, abandoning the *argument of authority* in the name of the authority of the *argument*.

The standard, the mere application of legal requirements offers the risk of being the owner of truth that does not allow questions. However, a supposed truth may be claiming validity, but its composition can be found different and differently according to the stories and origins of the various actors who seek it Demo [12]. Therefore, a proposed prevention from the perspective of a “Prevention Authority” can offer more coherence and opportunities for understanding and advances in safety components, since several subjects, experiences and knowledge are harmonized and contextualized to address existing difficulties.

The risk is pedagogical, everyone always learns from it. Risk is associated with uncertainty, so it is essential to realize that it is not always a threat (negative bias). Risk can also be an opportunity (positive bias), which allows the design of new prevention strategies. Nulling it completely is impossible (and a risk) but building perspectives that can understand it in its multiplicity and dynamism allows to undertake a security management linked to broad business strategies, which go beyond perspective only to meet the legal aspects required.

Risk perception occurs in the actual work activity, involving both the objective dimensions of the risks (information provided by the organization itself by official means, for example, risk maps, instructions for operational procedures) and subjective dimensions of risks, those that are not always in the official vehicles of the organization, and which are often constituted and maintained only in the development of real work (know, do, competencies of operators).

Figure 1 (Occupational Risk Management) points out that perceptions of both individual and collective risks are now composed of workers’ prevention strategies in a dynamic cycle, and the *right of refusal to dangerous work* becomes appropriate or developed as prevention strategies official (recorded in the system of organizations), sometimes in hiding (without official record), but offering positive results for accident prevention.

The concept of “Authoritarian Prevention” comes supported in the perception of work as mere application of operational procedures; its non-compliance implies seeking guilty people for losses and accidents. There is no room for dialogues, no experiences are shared. Security is in the organization’s discourse, in an illustrative, incipient way, without allowing the understanding of real work situations and consequently the development of necessary

transformations.

In this model of “Authoritarian Prevention” the *right of refusal* can find in the very obligation of legal requirements, the strength to constitute itself as a preventive instrument, but for this, it is necessary to use specific strategies. For example, in an interpretation of the requirements of regulatory standards, the appropriation of the right of *refusal* does not need to be individual. It can be articulated collectively and with expanded legal support.

This situation can be verified in the attributions of ICAP - Internal Commission for Accident Prevention (in Portuguese CIPA - NR 05), when it exists in the organization. Its tasks include that this commission may draw up a *work plan* with preventive action in solving occupational safety and health problems (letter b, item 5.16) and that it should require Specialized Services in Safety Engineering and Occupational Medicine (in Portuguese - SESMT), or to some employer representative, interruption, machine or sector stoppage where it considers there is serious and imminent risk to workers’ health and safety (letter 5.16).

The ICAP (CIPA) work plan may establish that the *right to refuse work serious and imminent risks* is an effective instrument for preventive action and that it can be validated collectively, expanding the worker’s discretion in determining the hazards and risks it identifies. The decision goes from the individual sieve and becomes collective with the support of the knowledge and experiences of other actors in the process, gaining more strength and legitimacy, even contrasting the obligation of some norms that determines that the interruption of tasks, when proposed by workers, needs *to be confirmed* by the hierarchical superior (subitem 22.3.4, letter b, NR 22 Occupational Safety and Health in Mining).

It is necessary to analyze it in a unique way. There are organizations that ICAP (CIPA) is active, composed of representatives seeking effective participation in the decisions of prevention strategies (including trade unions). It facilitates the implementation of actions as mentioned above. Negotiating with production supervisors, SESMT, employers, depends heavily on how they view the topic of prevention.

The perspective of action of ICAP (CIPA) is only one way, a possibility of developing strategies for the appropriation and improvement of the *right of refusal* as a prevention strategy. The appropriate standard collectively, questioning the application of the *right of refusal* may produce more effective applications of this instrument. It is necessary to design spaces for the development of the right of *refusal* as an instrument of prevention strategies. Its conception is

associated with the decision-making power of workers in the actual management of work, the effective participation of these protagonists in the course of work; perhaps therefore, the potential of this instrument is so preserved. After all, the *right of refusal* indicates and requires a certain degree of freedom, of the worker’s autonomy in his job management.

For example, considering an approach taken with a large private organization (transnational), which has an Integrated Management System (in Portuguese - SGI), and which at first became interested in the subject offering its field for research. In the previous analysis of the context, it was found that the company offers an instrument for filling out the *right to refuse dangerous work* (a form of its own to meet the requirements of the system), but that there is no involvement, there is no criterion of analysis elaborated to understand the articulation and appropriation of this instrument.

In practice, there is an official speech of the organization that points out the existence of the *right of refusal* in the company and in the management system, which complies with the determination of legal aspects, but it is observed that it is limited to this, to the fulfillment of the necessary legal requirements. It avoids the construction of approaches, analyses that can deepen and understand the issues that the theme presents, indicating an interesting bias on the object, the verification of gaps, of something to be understood in its complexity.

In this case, some questions were built on the interface with the representatives of the organization, for example: How do we analyze those current forms of *right of refusal*? Who analyzes? How was this form developed? By whom? Was there a participation of the workers? Who fills them? How are they filled in? What do operators understand by *right of refusal*? What do you think about this instrument? What shifts and operations are they most used in? In which areas, shifts and operations are those instruments less used? And why is that? In what dimension (objective or subjective) of risk perception, is the *right of refusal* more or less appropriate? Is that right appropriate in “hiding”? That is, by means that are not officialized, instrumentalized in the hierarchy of the organization’s management system.

Some questions seemed to bother the organization, which, veiledly, is restricted to legal compliance, not revealing the real reasons for not being interested in more complex approaches that can help understand the object (together with the actors who experience the processes), offering transformations in the appropriation of *the right of refusal* as an effective accident prevention strategy. Discomfort could be associated with multiple questions: I fear of revealing to third parties their prevention practices;

I am afraid of admitting that their prevention management could be limited to inefficient methods that would not trigger new results; I fear of establishing partnerships aligned with new methodologies and commitments that could jeopardize the reality of their context.

This perspective is unique. It is the result of an experience with an organization that allowed prior contact, not meaning a trend, a generalization about approaches to what may be occurring in the management of the *right to refuse dangerous work*. However, it is a perspective that indicates something, which allows reflections. The framework is particularly important for the implementation of new management practices that need to build, to consolidate innovative perspectives in prevention strategies, associating normative aspects of prevention with the knowledge constituted in the activity.

The challenge is to design spaces for the *right to refuse dangerous work* to advance beyond legal care and become an effective accident prevention tool. But should the right of *refusal* be an instrument associated only with the perspective of health and safety or can it also effectively contribute to other important variables for work management (quality of processes and products, environment and social responsibility)? This is an important reflection for the development of knowledge about the potential that the theme offers.

### The Perspective of Real Activity as a Central Element for New Work Organization Practices

The theoretical-methodological references proposed for the understanding of the right theme of *refusal to dangerous work/serious and imminent risks* align with the Ergonomics of Activity and Ergology, which favor the perspective of real work activity by placing the worker as a protagonist in the development and organization of work.

The approaches consider the centrality of human intervention as a regulatory factor, which anticipates and/or corrects the course of work situations, thus ensuring that the results proposed by the organization are properly performed. Thus, ergo formation attributed to research in Ergonomics and Ergology evaluates the work from an original angle and in continuous formation [13].

With this inversion of perspective, the understanding of the work starts from the point of view of the one that is inserted in the actual work activity, in their concrete relationship with the environment, improving the approaches that are limited to the techniques and procedures linked to the traditional

administration of the processes. *Ergo*, implies action, *work*, *work*, energy and vitality, involvements and commitments of those who work and respond for the results [13].

Worker is at the center of work discussions and debates, is the central element in the identifications of problems and the facilitator who thinks and executes the possible solutions of deviations, that is, it is taken here as the key component of the organization, the transforming agent of working situations [14].

The importance of the classical prescriptive approaches to work is not questioned. It represents a fundamental rationality that anticipates within its possibilities the scenarios and expected results. The bet is on the union between formal and technical rationalities, with the knowledge built in the activity by operators [13].

In view of the unforeseen events, the rationality of operators can extrapolate the limits of prescriptions, responding, anticipating and interacting with the environment, workers are able to realize the results proposed in the multiple variables that make up the universe of work [13].

It is important to highlight the method of Ergonomic Analysis of Work (in Portuguese - AET) with the effective participation of operators, identifying and solving problems using their knowledge, knowledge and work, skills and abilities that cannot be described and measured in the integralities of prescriptions [15-47].

The dialogue between The Ergonomics of Activity and Ergology offers dynamism and interpretation, deconstructing and rebuilding views, concepts and certainties in the individual and collective history of individuals and contexts, thus determining an orientation understanding of the universe of work.

The *right of refusal* is present in the actual activity of work, sometimes explicitly, sometimes implicitly, so it is vital to consider the dynamism of those scenarios, their obstacles and paradoxes, a path that only becomes feasible through this perspective that centralizes the real situations of work in its multiple contradictions to effectively understand the universe of work.

### Final Considerations

The *right of refusal* is an instrument aimed at ensuring that the worker has the right to stop a work activity that he may consider involving serious and imminent risk to his/her health and safety or other people. It is a right that arises associated with people's health and safety, but which refers



to other important reflections on the potential that the right of *refusal* can offer, such as: Why do not also relate the *right of refusal* to other work variables?

Why can't the right of refusal be triggered also to refuse activities that may compromise the quality of the products and processes developed by the organization? Why not refuse to develop activities that can generate negative environmental impacts? Why not refuse tasks that when contrasted with the knowledge and skills built in practice, in the daily business of work by operators (where it is recognized that there are other ways and ways to accomplish what is demanded) can imply lower financial, social and environmental cost to those involved?

Why not understanding what refusing also means to accomplish what is requested by other means, otherwise different from the prescriptions established by agents unrelated to the actual demands of work? Those actions begin to fill the gaps in those prescriptions, the actions of operators in the actual work activity means the immediate management of the unforeseen events present, thus ensuring that satisfactory positive results in all work variables (health, safety, quality, environment, social responsibility) are implemented, including the necessary revisions to existing operational procedures.

The *right of refusal* when treated in organizations follows the path of formalization of the operational procedure recognized in the safety standards. But what effectively validates this instrument? Its formal, prescribed appropriation, or its appropriation in the actual work activity, without any form completion?

What kind of organizations are we talking about? What work management models (not only prevention) are highlighted? Those with an authority *argument* perspective approach or those that maintain the authority of *the argument*? In view of different tables, where workers' contribution can be more or less valued, the question remains: How can we find spaces to develop, appropriate, make this *right of refusal* work, which is beyond the completion of normative forms?

For the management that integrates the contributions of operators, a participatory, reasonably democratic, non-punitive approach, focused on considerations that value the knowledge and skills constituted and constructed in the practice of actual work activity. An approach is consolidated that simultaneously favors technical knowledge with practical knowledge.

The right of refusal is appropriate in the activity, in practice, often without the formalizations that management systems require. There is a transfer there, where formalization is a reality of organizations (and for operators), but that by

establishing the activity this requirement can be ignored. How to establish commitments and spaces to address these perspectives? After all, the normative fulfillment of filling out the forms, officializing the operations, also needs to be fulfilled.

It is therefore important to recognize how the organization sees the issue of prevention, work management. Negligence, recognition, dammed potentiality, possibility of attributing to other variables of work, are elements that characterize the universe of the *right of refusal*.

How can the *right of refusal* be appropriate as a condition and strategy for accident prevention and effective work management in its multiple variables? The risks are associated with various dimensions of the processes, not only linked to the health and safety of operators; therefore, it is essential to broaden the perspective of management.

The perspective of severe risk may have subjective meanings that are beyond objective risk analysis. Imminent, would it be appropriate to attribute only this immediate temporal dimension to the risk? In all work processes there are risks, immediate and latent. So, it is essential to expand the understanding of risks in its multiple threats and opportunities.

The *right of refusal* can become an effective instrument, not only important as a prevention strategy, but as an innovative and contributing element for complex work management. This implies new perceptions and practices of work organization, in building and establishing new commitments, without losing sight that this instrument intrinsically carries obstacles and paradoxes for its appropriation and development.

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