

## memorandum

TO: All HSA Stewards  
HSA Occupational Health and Safety Stewards

FROM: Michael Wisla, HSA Occupational Health and Safety Advocate

DATE: \*\*\* UPDATED APRIL 5 (Replaces March 20, 2020 Memorandum)

**SUBJECT: Right to Refuse Unsafe Work and COVID-19 response**

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All workers in British Columbia have the right to refuse unsafe work. A worker has the right to refuse to carry out any work process or operate or cause to be operated any tool, appliance or equipment if the worker has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person, including the worker. ([OHS Regulation 3.12](#)).

If you face an undue hazard at work, these are the steps to take:

1. You must immediately report the circumstances of the unsafe condition to your supervisor or employer, who is obligated to immediately investigate the issue. The supervisor must ensure that any unsafe condition is remedied without delay, or if in the supervisor's opinion the report is not valid, the worker reporting the hazard must be informed
2. If this does not resolve the matter and the worker continues to refuse to carry out the work, the supervisor or employer must investigate the matter in the presence of the worker along with a worker from the workplace joint occupational health and safety committee, an HSA OH&S Steward or if the former are not available, any other reasonably available worker selected by the worker.
3. If the investigation (2) does not resolve the matter and the worker continues to refuse to carry out the work, both the supervisor or the employer and the worker must immediately notify WorkSafeBC, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

The work refusal carries on during the escalation process until such time as the matter is resolved.

This process is for any situation where a worker feels that doing the work would create an undue hazard to themselves or any person. The refusal must be initiated by an individual, ideally with a steward involved. If more than one person wants to initiate a refusal to work, they may, but as individuals, not as part of a group.

**No discrimination:** A worker refusing unsafe work according to the steps above must not be subject to discriminatory action for exercising that right. ([OHS Regulation 3.13](#)).

Temporary assignment to alternative work at no loss in pay until the matter is resolved is deemed not to constitute discriminatory action.

- Any time you feel you are being asked to do work that is unsafe, report this immediately to your supervisor and contact an HSA Occupational Health and Safety Steward, or email the HSA COVID-19 hotline at [covid19hotline@hsabc.org](mailto:covid19hotline@hsabc.org)

Stay safe,

Mike