

memorandum

TO: All HSA Stewards
HSA Occupational Health and Safety Stewards

FROM: Michael Wisla, HSA Occupational Health and Safety Advocate

DATE: March 20, 2020

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

All workers in British Columbia have the right to refuse unsafe work. This right is especially important during the current worldwide COVID-19 pandemic.

The steps for refusing unsafe work are:

1. A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.
2. The worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.
3. A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
 - (a) ensure that any unsafe condition is remedied without delay, or
 - (b) if in his or her opinion the report is not valid, must so inform the person who made the report.
4. If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out work, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
 - (a) a worker member of the joint committee,
 - (b) a worker who is selected by a trade union representing the worker,

5. If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

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.

Expedited procedure for COVID-19 related work refusals:

In addition to the above steps, an expedited procedure has been implemented to ensure the right people from the employer and the union are engaged in the hazard resolution process.

The following expedited steps are to be taken for COVID-19 related right to refuse issues:

- 1) Report the related health and safety issue to the supervisor or manager. If a steward is available, involve the steward.
- 2) If the issue cannot be resolved at the first level, it must be elevated expeditiously and directly by the employee's union to the health authority's Occupational Health and Safety director. The HSA member or steward involves the union by sending an email to covid19hotline@hsabc.org, which is monitored daily from 8 a.m. to 9p.m., including weekends.
- 3) If the issue is not resolved at the second level, it will be fast-tracked by the union and employer to the provincial OHS level for immediate action. Issues taken to the provincial table must go through the HSA office.

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

Please note: This escalation process applies in all HEABC Health Authority acute and long term care sites. Members working at non-health authority sites should contact HSA for specific assistance by email at covid19hotline@hsabc.org

Stay safe,

Mike