

REFUSAL OF UNSAFE WORK

A toolkit for employers





REFUSAL OF UNSAFE WORK PURPOSE

Workers in British Columbia have the right to refuse unsafe work. A worker who observes what appears to be an unsafe or harmful act or condition must report it to their supervisor as soon as possible. If a worker believes that completing a certain task would create an undue hazard for themselves or others, the worker must not perform the task. Workers must immediately inform their supervisor and exercise their right to refuse unsafe work.

Employers can not discipline or otherwise penalize a worker for refusing unsafe work. Supervisors can support and encourage workers by encouraging early reporting of concerns and proactive problem-solving, reducing the need for formal refusals of unsafe work.

In the continuing care sector, workers may encounter a range of hazards, including exposure to infectious materials, aggressive or violent behaviour by residents/clients,

unsafe lifting or transfer conditions, a lack of appropriate personal protective equipment (PPE), and working alone or in isolation without effective communication supports.

These are known hazards of care work that must be adequately and appropriately assessed, controlled, and managed using your organization's written policies, procedures, training, education and supervision, which may be described in a:



Violence prevention program



Infection prevention and control protocols



Safe resident/client handling procedures



Working alone or in isolation check-in systems

What's included:

This package includes:

- Steps to follow from initial work refusal and supervisor investigation through employer investigation and contact with WorkSafeBC if required.
- Written Notice of Work Refusal template to document required investigations, decisions, and outcomes (Appendix A).
- Reassignment of work template to document written notice to the other worker (Appendix B).

If a worker is unsure whether a situation qualifies as a refusal of unsafe work, they must report the concern immediately to their supervisor. The worker and the supervisor can work together to determine whether the concerns require a formal refusal under OHSR 3.12 or should be managed through another safety process (i.e., your internal reporting process).



This package helps employers meet WorkSafeBC requirements for refusal of unsafe work under the Occupational Health and Safety Regulation (OHSR), [section 3.12: Procedure for refusal](#) and [section 3.12.1: Reassignment of refused work](#).

Refusal of unsafe work toolkit



Refusal of unsafe work examples:

- ✓ A worker is asked to lift a resident/client without mechanical assistance because equipment is broken or unavailable.
- ✓ A worker is asked to use a new piece of equipment without receiving training to use it.
- ✓ The appropriate PPE required to care for a resident with a known infectious disease is missing, expired or broken.
- ✓ A resident/client's behaviour creates a risk that is not addressed/mitigated through the care plan.
- ✓ A single worker is assigned to provide care in a new community location with known violence risks and no means of communication.

Not typically a refusal of unsafe work:

- ✓ Performing regular care tasks for residents/clients with known conditions when proper controls and an effective care plan is in place.
- ✓ Providing care where standard infection control procedures are in place, you have been adequately trained and the necessary tools and equipment are provided..
- ✓ Completing work where risk is managed and established policies and equipment is functioning as intended.

 (Note: these examples are not blanket "no-refusal" situations. If the plan or controls are not effective in the moment, or a worker feels they cannot do the work safely, they must stop and report it.)

Steps for investigating refusal of unsafe work

Step 1 - Initial refusal and first investigation

- Worker refuses the unsafe work and immediately reports the concern to their supervisor/employer.
- Supervisor/employer investigates immediately.
- Outcomes (either resolves the matter):
 - The unsafe condition is fixed; or
 - There is no unsafe condition (worker, supervisor, and employer agree).
- If there's disagreement (worker still believes it's unsafe), document findings and move to [Step 2](#).

Note: The supervisor or employer can re-assign the task to another worker only if:

- It won't create an undue hazard for them or anyone else, and
- The other worker is given written notice explaining there's been a refusal and why this task does not create unsafe work for them ([OHSR section 3.12.1](#)).

A worker cannot be penalized or disciplined for exercising their right to refuse unsafe work and following the refusal of unsafe

work procedure. While the investigation is underway, an employer or supervisor may temporarily assign alternate work at no loss in pay to the worker who has refused unsafe work. ([OHSR section 3.13](#))

Step 2 - Second investigation with a worker representative

- Supervisor/employer investigates again, this time with:
 - The refusing worker, and
 - A worker representative (JOHS committee worker representative), a union-selected worker, or a worker chosen by the refusing worker.
 - If no worker representative is reasonably available, an alternate designated by a worker representative may participate ([Workers Compensation Act section 46](#)).
- Outcomes (either resolves the matter):
 - The unsafe condition is fixed; or
 - There is no unsafe condition (workers, supervisor, and employer agree).
- *Document findings.*

- *If there's still a difference of opinion, move to Step 3.*

Note: The supervisor or employer can re-assign the task to someone else only if:

- It won't create an undue hazard for them or anyone else, and
- The other worker is given written notice explaining there's been a refusal and why this task does not create unsafe work for them ([OHSR section 3.12.1](#)).

Step 3: Call WorkSafeBC

If Step 2 doesn't resolve the matter, both the employer/supervisor and the refusing worker must immediately notify WorkSafeBC at 1-888-621-SAFE (7233). A prevention officer will investigate and take steps to resolve the matter.

If a WorkSafeBC prevention officer determines there is no undue hazard and communicates that finding, any continued refusal by the worker is no longer protected under [section 3.13 of the OHSR](#).

The steps above are based on the [WorkSafeBC Guidelines – Part 3 – Refusal of Unsafe Work](#).

Records and follow-up

Keep completed forms with your incident/

occurrence files and Joint Occupational Health and Safety (JOHS) committee records following your own workplace document-retention policy. Debrief with the worker(s) involved and inform your JOHS committee.

Note: Important Legal Requirements for Written Notice

WorkSafeBC provides the following information in guideline G3.12 Refusal of unsafe work:

After a work refusal takes place, an employer cannot require or permit another worker to do the refused work unless the matter is resolved or the other worker is provided with a written notice of a work refusal. This includes providing a written notice of work refusal to any worker who is resuming work after a work refusal, such as a worker on the next shift.

The written notice of a work refusal must also be shared with the other worker and one of the following people, as applicable:

- *A worker member of the Joint Occupational Health and Safety (JOHS) committee*
- *A worker who is selected by a trade union representing the worker*
- *If there is no JOHS committee or the worker is not represented by a trade*

union, any other reasonable available worker is selected by the worker

The written notice of work refusal must include the following information:

- *The fact that a worker refused work as unsafe*
- *The details of the work process, tool, appliance, or equipment that was reported to create an undue hazard*
- *Reasons why the task would not create an undue hazard to the health and safety of the other worker or any other person*
- *The right of any other worker to refuse unsafe work*

WorkSafeBC Guidelines – G3.12 Refusal of unsafe work.

Use the following forms to document the written notice of work refusal.



Appendix A - Written Notice of Work Refusal

Work Refusal information

Worker's name
Job title/Position
Date and time of refusal
Location of work refusal
Supervisor/manager's name

Description of Unsafe Work

Description of job, work process, task, equipment, tool or condition worker believes creates a hazard
Hazards identified by worker
Worker's reason for work refusal

Step 1 – First Investigation by supervisor/employer

Name of person who investigated the refusal
Investigation details (what was investigated, how it was conducted, people involved, etc.)
Findings of investigation
Actions taken to address the hazard (if any)
Outcomes of investigation:

Step 2 – Continued investigation with worker representative

Name of worker representative (JOHS Committee worker representative, union representative, or other representative)
Investigation details (what was investigated, how it was conducted, people involved, etc.)
Findings of investigation
Actions taken to address the hazard (if any)
Outcomes of investigation: <i>If applicable, worker and employer representative contact WorkSafeBC.</i>
Date/Time WorkSafeBC contacted:

Appendix B - Reassignment of Work

Note: Workers in British Columbia have the right to refuse unsafe work. If the worker reassigned the work believes that the reassignment of work puts themselves or others at risk, they must not perform the task and exercise their right to refuse unsafe work.

Name of the worker reassigned the work
Date of work reassignment
Reason for original refusal (summary)
Reason why the employer believes that the work does not create an undue hazard
Supervisor contact information:
Start time/date of reassigned task:

Other Worker's Decision

_____ (name of the other worker) _____ (accepts or refuses) the reassigned work.

	Name	Signature	Date
Worker			
Other Worker			
Supervisor/Manager			

Copy of notice shared with others

- Joint Occupational Health and Safety (JOHS) committee
- If applicable, WorkSafeBC
- Other:

Comments/Next steps: