

Refusal of Unsafe Work - Frequently Asked Questions

The Right to Refuse Unsafe Work

Section 3.12 of the WorkSafeBC Occupational Health and Safety Regulation gives workers the right to refuse work if they have reasonable cause to believe it would create an undue hazard to anyone's health or safety. The work refusal is based on the individual assessments and circumstances.

How can workers refuse unsafe work?

1. A worker who refuses to carry out a work procedure or operate a tool, appliance or equipment must cease the task and immediately report the circumstances of the unsafe condition to their manager/supervisor.
2. The worker and manager/supervisor must document the Refusal of Unsafe work in writing by completing the Refusal of Unsafe Work Form.
3. The manager/supervisor receiving the report must immediately investigate and report the back to the worker ensuring:
 - the refusing worker does not continue the task while waiting for a response
 - any unsafe condition is remedied without delay
 - If the investigation determines the work is safe, the supervisor or manager must inform the worker of this finding.



Note: While the refusal is being investigated, the assignment under investigation can be assigned to another worker if they do not believe the task is hazardous. However, the alternative worker must be informed in writing of the work refusal reasoning.

4. If the initial investigation does not resolve the matter and the worker still believes the task is unsafe, the supervisor/manager must investigate the matter with participation of the worker and any of the following:
 - A Joint Occupational Health and Safety Committee worker member
 - A union representative
 - Or any other reasonably available worker selected by the refusing worker

The manager /supervisor and Joint Occupational Health and Safety Committee Member may contact their Occupational Health & Safety Advisor for assistance.

5. If the secondary investigation does not resolve the matter and the worker still believes the task is unsafe, both the Supervisor and the worker must immediately notify their Occupational Health & Safety Advisor (if they have not already been notified) and WorkSafeBC at 1-888-621-SAFE (7233).
6. WorkSafeBC will investigate the matter without undue delay and issue orders that are deemed necessary including hazard remediation or back to work orders as applicable.



Will workers be paid while refusing to work?

During the refusal, the worker can be assigned to do alternative work during their normal working hours. Temporary assignments to alternative work will be at no loss in pay to the worker until the matter is resolved.

Can supervisors assign the refused work to another worker?

Yes, as long as the second worker is informed in writing, that the work was refused and the reason why. This must be done in consultation with a Joint Occupational Safety and Health Committee member, or a Health and Safety Representative, or a worker representative with knowledge, experience, and training about the assignment.

Can workers be disciplined or fired for refusing to work or raising concerns?

Workers' hesitation to use the right to refuse is well grounded, since the worker may fear discipline or termination. The Worker's Compensation Act protect workers from discipline during the course of the investigation where the employer cannot discipline the worker for reporting hazardous conditions.

However, this provision does not apply if the work refusal was made in bad faith, or if the worker continues to refuse after the investigation is completed by the WorkSafeBC Officer. Conditions and circumstances may change frequently so it is important that your Manager/Supervisor is kept informed to ensure adequate hazard mitigation strategies are in place.

