

Your Right to Refuse Unsafe Work

This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. The information in this fact sheet was reviewed by a lawyer, and was last updated 1 December 2020.

As a worker in Canada, you have the right to refuse unsafe work. No one can take this right away from you. This fact sheet explains what unsafe work is, how you can exercise your right to refuse unsafe work, and your right to not be punished by your employer for refusing unsafe work.

Can I refuse unsafe work?

Yes. The right to refuse unsafe work is a fundamental right that all workers in Canada have. In fact, not only *can* you refuse unsafe work as a worker, but in the province of British Columbia, you are *required* by the law to refuse unsafe work.

What is unsafe work?

Unsafe work is work that would create an **undue hazard** to anyone. What an undue hazard is can be different according to an individual's situation. Generally, if a thing or condition at work may put you at risk of injury or occupational disease, and your knowledge, training or experience does not prepare you to perform the task safely, you are faced with unsafe work. What may be safe for one person may not be safe for another. If something doesn't look right or seem safe to you, or if you know that something is not safe, you can exercise your right to refuse unsafe work.

What is unsafe work during COVID-19?

During COVID-19, if your work puts the health of yourself or anyone else at risk and there are no adequate protection measures in place, you can exercise your right to refuse unsafe work. The following is a list of circumstances that a worker may consider when trying to determine whether a work situation might be unsafe:

- The COVID-19 situation in your particular city, region, province and workplace at the time of the refusal to work.
- Your age and health.
- The type of workplace where you work.
- Your specific field of work and tasks.
- The number of workers at the workplace and social distancing availability.
- An employers' lack of measures to prevent COVID-19 transmission.

- The diagnosis of a co-worker.

What would be some examples of unsafe work situations during COVID-19?

Your employer is responsible for managing risks at the workplace. During COVID-19, if the safety measures implemented by your employer leave you feeling unsafe, it would be a situation where you could consider exercising your right to refuse unsafe work. Some examples would be when your employer fails to facilitate physical distancing in the workplace, or when your employer fails to provide the required proper personal protective equipment (PPE).

For more information on COVID-19 safety measures at the workplace, check out our factsheet on *COVID-19 Safety Measures at Work*.

How can I refuse unsafe work?

The first step is to immediately let your supervisor know that you have a concern about the safety of your work. Your supervisor or employer is required to immediately investigate the situation. You don't need to return to work until you agree or believe that the work is no longer unsafe. If your employer says that the work is safe but you still view it as unsafe, you and your employer must contact WorkSafeBC. A prevention officer will then step in for a further investigation. Further information on the steps to refuse unsafe work can be found at <https://www.worksafebc.com/en/health-safety/create-manage/rights-responsibilities/refusing-unsafe-work>.

Your employer cannot punish you for utilizing your rights to refuse unsafe work.

Can my employer ask me to work on other tasks while my concern about unsafe work is being investigated?

Yes. While your employer is assessing the situation that you reported, they can assign you to work on alternative tasks that don't involve unsafe work. These alternative tasks should be reasonable and you should receive at least the same amount of payment for your new tasks as you would have been paid for the previous tasks.

Can I still get paid if my employer sends me home as they assess the unsafe work situation?

Yes. If your employer sends you home as they assess the situation, your employer is responsible for making sure that you are getting paid until the situation is resolved.