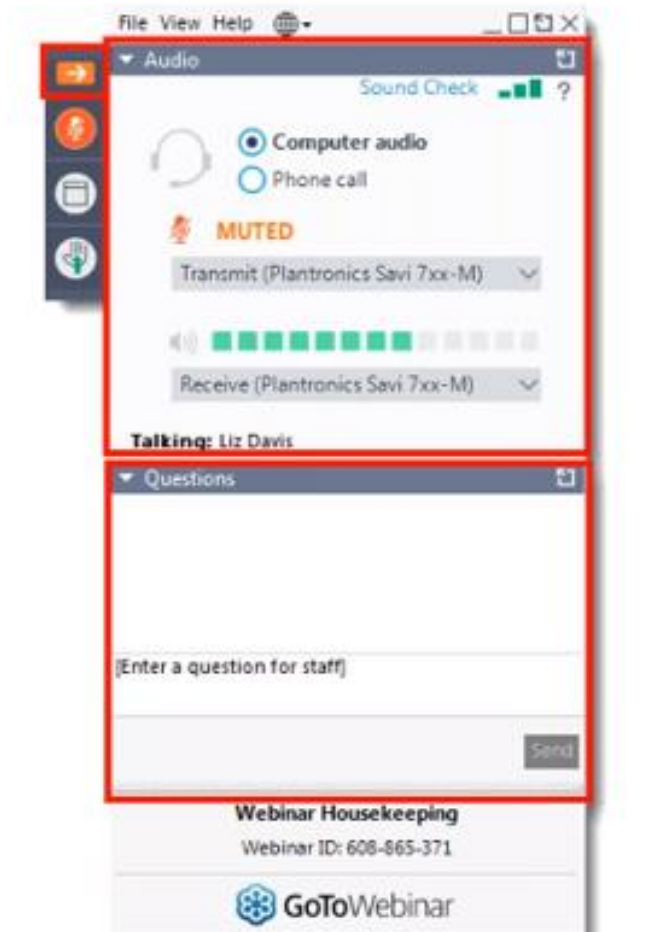


GoToWebinar Housekeeping



Your Participation:

- Open and close your control panel using the orange arrow
- Join audio
 - choose Mic & Speakers to use VoIP; or
 - Choose Telephone and dial using the information provided
- Submit questions and comments via the questions panel
- Today's presentation is being recorded and will be shared
- Handouts are available under the handouts tab
- Raise your hand, by using the hand icon if you have an issue that requires attention.



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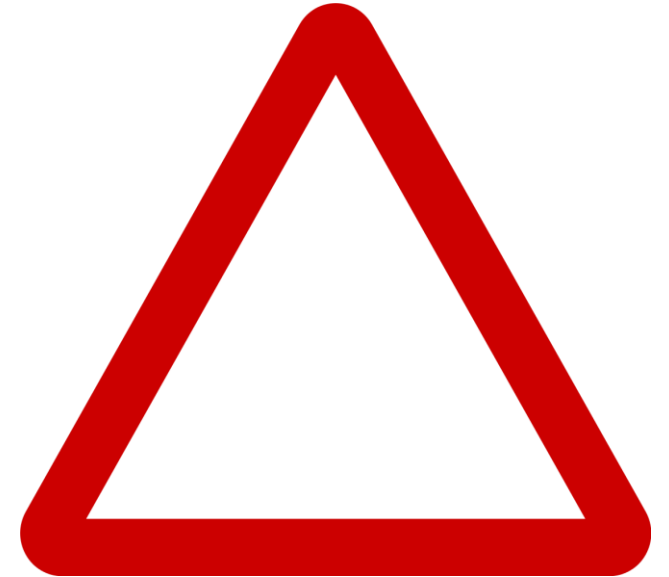
Welcome!

How to refuse
unsafe work
(& COVID19)



OUR OBJECTIVES

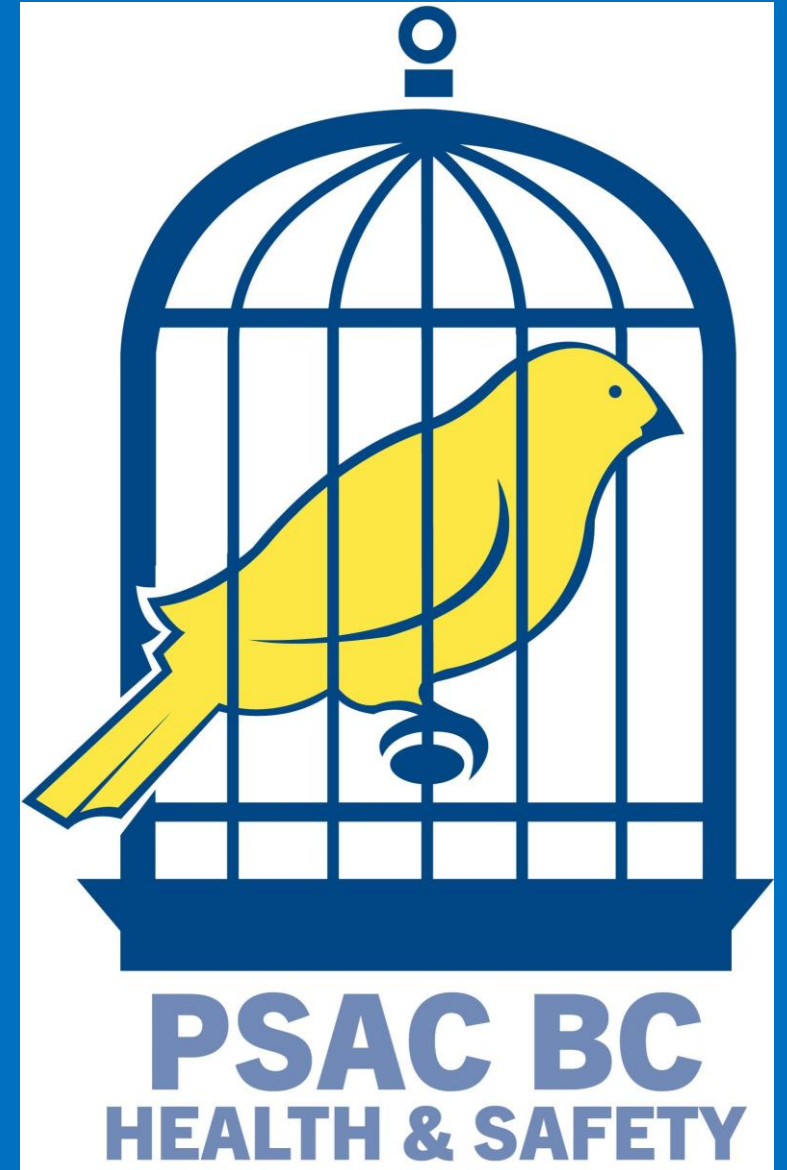
1. Define your right to refuse unsafe work
2. Review the basic steps in refusing dangerous work
3. Discuss work refusals in context of C-19
4. Answer questions about work refusals



POLL #1

Have you ever
considered invoking
your right to refuse
unsafe / dangerous
work?

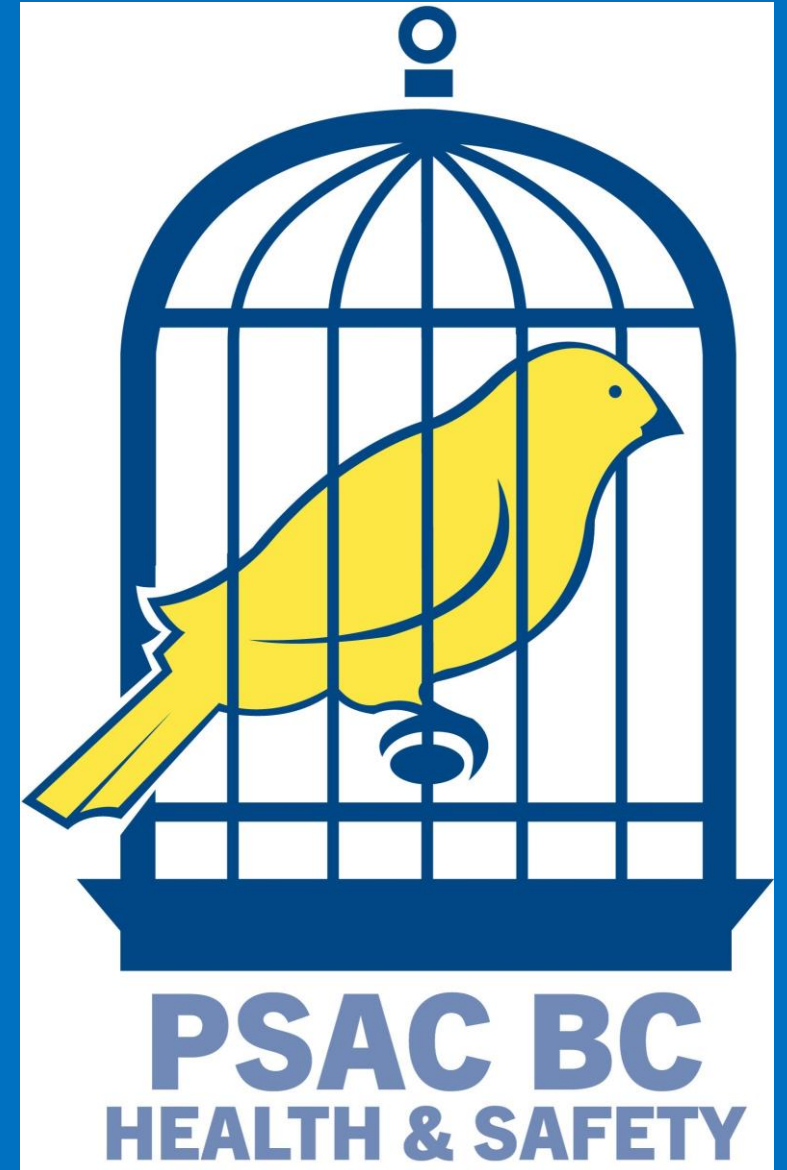
Yes / No / I don't know



POLL #2

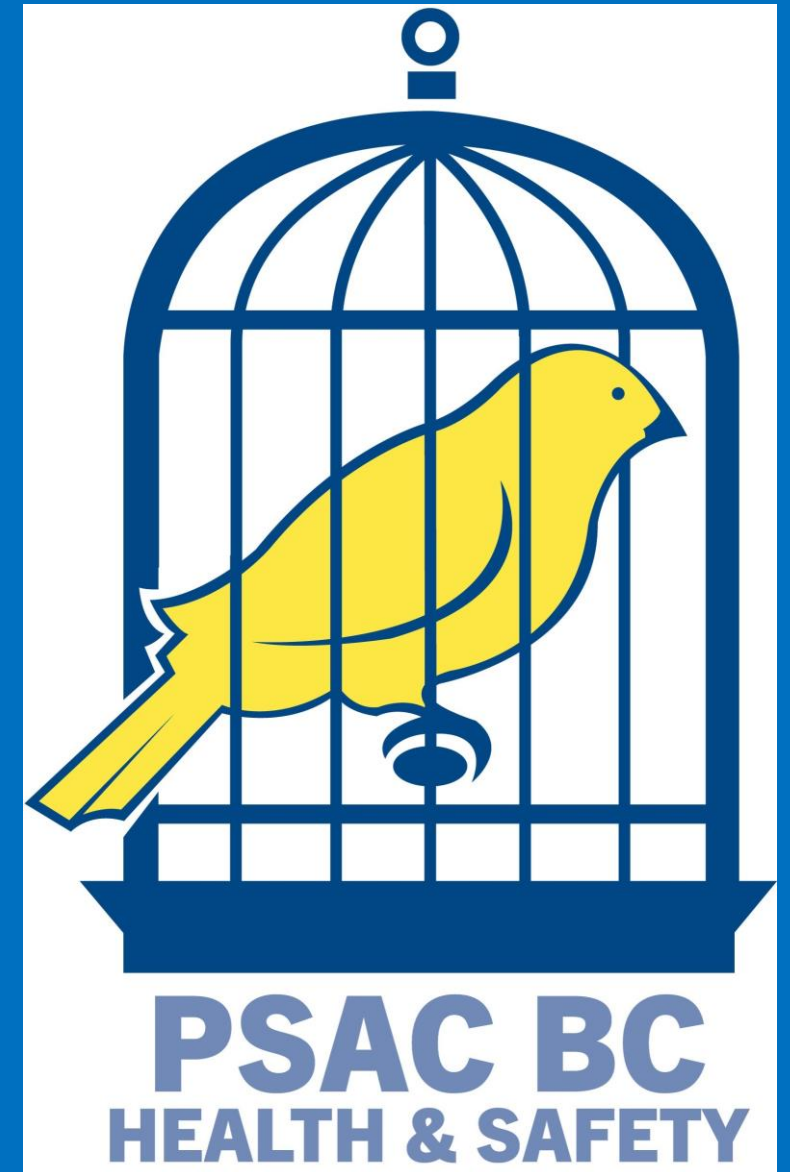
Have you ever actually
invoked your right to
refuse unsafe /
dangerous work?

Yes / No / I don't know



Write your response
in the Questions box

What might prevent
you from refusing
unsafe work?



What is the “right to refuse”?



What is the Right to Refuse Unsafe / Dangerous Work?

- The refusal of unsafe work is a fundamental right and responsibility

- It's an integral element of workplace safety
- Workers who **reasonably believe** that work is **dangerous/unsafe** are entitled to refuse to perform that work and to have their employer investigate / correct the hazard when necessary.



When can workers refuse unsafe work?

When you have a reasonable belief that the work is dangerous / unsafe



dan·ger·ous

/ ' dānj(ə)rəs/

- **able or likely to cause harm or injury**
 - Oxford Dictionary
 - **The term implies an immediate / urgent threat**
- "could reasonably be expected to be an imminent or serious threat to the life or health of a person..."
 - *Federal - CLC PII 122(1)*
- exposure "to an excessive or unwarranted risk of injury or occupational disease" (aka "undue hazard")
 - *Provincial - BCOHSR 3.12(1) & Guideline*



Reasonable Belief

- Assess the situation as a “reasonable person”;
 - Consider relevant and available information
 - Exercise good faith judgment
 - Consider your training and experience
 - Are you properly trained, equipped, or experienced to do the work?

You do not need to KNOW the work is unsafe

- you need to have an honest, good faith belief that it is



When can I **NOT** refuse unsafe work?

- ✓ When a refusal puts someone else directly in danger
- ✓ When the danger is a normal condition of employment and has been controlled to the greatest extent possible



The Steps in Work Refusals

Step 1; Report

Step 2; Supervisor Investigation

not satisfied?

Step 3; Joint Investigation

not satisfied?

Step 4; Regulator Investigation



Step 1: Report

- Notify your supervisor of the unsafe condition, and your refusal to work
 - ✓ Be clear - you are refusing for safety reason
 - ✓ Be at work - you can't refuse from home
 - ✓ Be willing - to resolve the issue
 - ✓ Advise your local union representative asap



Step 2: Supervisor Investigation

- The supervisor or employer must investigate without delay and inform you of the results
 - ✓ supervisor agrees - hazard must be fixed immediately
 - ✓ supervisor disagrees - they must advise you
- Not satisfied? Advise your supervisor that you continue the refusal.



Step 3: Joint Investigation

- A joint investigation in your presence with an employer and employee members of the Workplace H&S Committee
 - ✓ The investigators provide written results and recommendations (if any)
 - ✓ Employer will respond to investigation in writing
- ❑ Not satisfied? Advise your employer that you continue the refusal



Step 4: Regulator Investigation

- Report the continued refusal to the regulator:
 - Federal: ESDC-Labour Canada **1-800-641-4049**
 - Provincial: WCB BC Prevention Line: **1-888-621-7233**
- Regulator must conduct investigation and provide decision / recommendations
 - If they determine the work is UNSAFE it must be corrected.
 - If they determine the work is SAFE you must return to work.
- Not satisfied? Return to work and file appeal



Work Refusals – Ships and Aircraft

- Different process for employees onboard ships and aircraft in operation
 - ✓ Report work refusal to person in charge who will decide what to do taking into account the safe operation of the ship / aircraft
 - ✓ Once no longer in operation, the process outlined will be followed



Pregnant and Nursing Employees

- A different process exists under federal legislation for dangers to fetus / nursing newborns
 - ✓ Employee may cease to perform tasks that they believe pose a risk to fetus or nursing child
 - ✓ Employee must consult with qualified medical practitioner as soon as possible and advise employer of the results
 - ✓ They may be reassigned other duties



Keep in Mind

- ✓ Be at work to refuse work
- ✓ Paid throughout the process
 - You may be reassigned to other duties
- ✓ Discipline, threats, coercion or intimidation is against the law
- ✓ You cannot refuse work as a group
- ✓ Refused work may be reassigned during the process if;
 - Alternate worker advised of work refusal and of their right to refuse
- ✓ You have the right to be wrong
- ✓ Work refusals often resolved well before step 4 (regulator investigation)



BREAK TIME



The Steps in Work Refusals

Step 1; Report

Step 2; Supervisor Investigation

Step 3; Joint Investigation

Step 4; Regulator Investigation



Right to Refuse & COVID-19



Does COVID-19 alter my right to refuse?

- C-19 does not change your right to refuse dangerous work
- Being designated “critical” or “essential” does not imply you must work in unsafe conditions
- However, you can’t refuse work based on general fears
 - ✓ There must be a reasonable belief that work task exposes you to danger



What about my commute to work?

- In Canadian jurisdictions, the employer is not responsible for employee safety during their commute
 - ✓ In most cases, you cannot refuse work because of hazards on your commute. (e.g. using public transportation)



Work refusals and the “Susceptible Worker”

- Some workers have underlying conditions that make them more susceptible to injury than other workers
- The “reasonable belief” test must be applied in context of their health condition
 - ✓ Clear connection between identified danger and health condition
 - ✓ Evidence of the condition may be required
 - ✓ While the evidence is being obtained, worker should be reassigned
 - ✓ If you have underlying conditions, advise your employer asap to begin planning for appropriate accommodations



Final Thoughts

Every workplace is different

- What is safe in one workplace may not be safe in another
 - e.g. small offices vs institutions / outbreaks / working with public / situations in the community etc.

There will be confusion and uncertainty

- Work refusals have been rare in most workplaces
- We have already seen large increase in the FPS
- Changing knowledge, situation about the virus

This makes understanding your right to refuse even more important



Upcoming Webinars

Returning to Work & Covid-19; Family and Health Barriers

Session 1 – Tuesday, June 9 at 6:00 pm (1 hour)

Session 2 – Wednesday, June 10 at 12:00 pm (noon) (1 hour)

bcwebinar@psac-afpc.com



SAY NO TO RACISM

Members of Asian communities in Canada and around the world have been facing racism and discrimination as a result of misinformation and stereotypes about the communities perceived to be associated with the COVID-19 virus. Fear or confusion about this virus must not lead to stereotyping or negative comments or actions towards people because of their race, ethnicity, or place of origin.

Ethnic biases, racism and xenophobia have been shown to slow down the response to outbreaks and pandemics.

Racism undermines union principles of solidarity. PSAC BC condemns racism in all forms and we will present a united voice to combat racism at every opportunity.

Q&A

bcwebinar@psac-afpc.com



Make some
noise to thank
front line
workers!

