

Right to Refuse Unsafe Work

1. Introduction

Providence Health Care (PHC) recognizes the right of all [Staff](#) to have a safe workplace. This includes the right to refuse unsafe work if there is reasonable cause to believe that a work process or the operation of a tool, appliance or equipment would pose an undue risk of injury to any person.

Work refusal is a serious process and is not a routine method of solving workplace problems.

1.1. Purpose

The purpose of this policy is to promote a safe and health work environment for all Staff by providing a mechanism and outlining the accountabilities for the refusal of unsafe work.

1.2. Scope

This policy applies to all Staff at all PHC sites, facilities, and designated work sites.

1.3. Exceptions

There are no exceptions to this policy.

2. Policy

Staff have the right to refuse unsafe work. If a Staff member has reasonable cause to believe that to carry out any work process or to operate (or cause to be operated) any tool, appliance or equipment would create an undue hazard to the health or safety of any person, the Staff member must follow the refusal of work process outlined below. Any refusal of work must also be made in the context of professional practice standards, codes of conduct and ethics.

When invoked, no Staff member will be disciplined because of their refusal to perform unsafe work when that Staff member has reasonable cause to believe that doing the work would create an undue hazard to the health and safety of any person (*Workers Compensation Act, Occupational Health and Safety Regulation, Part 3, 3.13*).

2.1. Refusal of Work

Step 1

To start a refusal of unsafe work, the Staff must take steps to ensure personal safety and then immediately report the circumstances of the unsafe condition to their Supervisor/Manager.

Step 2

Supervisor/Manager must immediately investigate the matter and either:

- Ensure the any unsafe work condition is corrected promptly without delay, or
- If in his or her opinion the report is not valid, must so inform the person who made the report.

Step 3

If the issue is not resolved in step 2, then further investigation is required. In this step, the Supervisor/Manager will contact Occupational Health & Safety to participate in further investigation along with the Staff who made the report and a worker representative from the Joint Occupational Health & Safety Committee (JOHSC). The worker representative should be from the same union as the Staff who identified the work hazard.

Step 4

If the issue is not resolved in step 3, then both the Supervisor/Manager and the Staff involved must contact WorkSafe BC immediately. An officer will investigate the matter without undue delay and issue whatever orders are deemed necessary. Only an officer can end an unsafe work refusal at this stage.

During the unsafe work refusal process, the Staff who made the report can be temporarily assigned alternative work without loss of pay. Temporary re-assignment may be one of the options implemented to remedy the condition. Other options would include using a team approach to care, using security stand by, ensuring equipment can't be used until repairs are made or appropriate training provided. A re-assigned Staff returns to their original assignment once the work refusal has ended.

3. Responsibilities**3.1. Staff**

- Contact Supervisor/Manager immediately to report the unsafe work situation
- Work with Supervisor/Manager, JOHSC member to correct the hazard
- When appropriate, report the hazard/incident to the [Provincial Workplace Health Call Centre](#)

3.2. Supervisors/Managers

- Investigate any report of unsafe work and put into place corrective actions as soon as possible
- Inform the Staff member of the results of the investigation as soon as possible

3.3. Occupational Health & Safety

- Where required, participate in investigations

3.4. Joint Occupational Health and Safety Committees

- Where required, participate in investigations

3.5. Contractors

- Comply with all aspects of the PHC Occupational Health and Safety Program requirements as well as any safety programs administered by contractors.
- Ensure the health and safety of their workers (workers of subcontractors inclusive) as defined by Workers Compensation Act

4. Compliance

All Staff members are responsible for adhering to this policy and monitoring their activities in accordance with the policy. Staff members may warn others if they observe a violation of this policy. Failure by Staff to comply with this policy may result in disciplinary action up to and including termination of employment, services or privileges.

5. Supporting Documents

5.1. Related Policies

[Reducing Consecutive Shifts to Minimize Fatigue, Errors and Injuries](#)

[Respect at Work](#)

[Violence Prevention in the Workplace](#)

[Working Alone or in Isolation](#)

5.2. Guidelines/Procedures/Forms

- Workers Compensation Act, Occupational Health & Safety Regulations, [Part 3, Refusal of Unsafe Work, 3.12, 3.13](#)
- [Provincial Violence Prevention Curriculum, \(updated 2016\)](#)
- [Refusing Unsafe Work](#), Province of British Columbia

6. Definitions

“Staff” means all employees (including management and leadership), medical staff (including physicians, midwives, dentists, and nurses), residents, fellows and trainees, health care professionals, students, volunteers, contractors, researchers and other service providers engaged by PHC.

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