

# Right to Refuse Unsafe Work

At some point, a worker might be asked to undertake a task that seems dangerous. Consider a case in which vandals enter an old school at night and cause widespread damage to two top-floor classrooms. They punch holes in the walls, rip out ceiling panels, tear up floor tiles, and damage desks. Insulation materials and other debris litter the floor.

A custodian is asked to clean up the debris. However, the custodian is concerned that the debris may contain asbestos. The custodian would reasonably feel that this task is too dangerous and could legitimately refuse the request. The custodian's right to do so is protected under the OHS Regulation, which states that

*A person must not carry out or cause to be carried out any work [...] if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.*

Should this occur, the worker must immediately report to the supervisor and give the reasons for considering the assignment unsafe. In most cases, the issue can probably be easily resolved (e.g., by changing the work procedure). If a mutually satisfactory resolution can't be found, however, the Regulation allows for the successive involvement of various third parties to find an appropriate solution (see the Regulation or the resources listed here).

No worker may be disciplined for refusing work through the process set out in the Regulation. The worker may, however, be temporarily reassigned to alternative work at no loss in pay until the matter is resolved.

For an overview of what is expected of employers, supervisors, and workers with respect to safety, see the Rights and Responsibilities poster.

## In the OHS Regulation

- Section 3.12, Procedure for Refusal
- Section 3.13, No Discriminatory Action

## Resources

Available from  
[WorkSafeBC.com/Publications](http://WorkSafeBC.com/Publications)

- Toolbox Meeting Guide TG 07-40: The right to refuse unsafe work
- WorkSafe Bulletin WS 07-02: Breakdown of asbestos management program exposes workers to asbestos fibres

# Safety is everyone's responsibility!

WorkSafeBC Prevention Information Line: 604 276-3100 • Toll-free: 1 888 621-SAFE (7233)

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