The Right to Refuse Unsafe Work

Health PEI is committed to a safe working environment for all healthcare workers and supports our workers' rights under the Occupational Health & Safety Act. Section 28 of the Prince Edward Island *Occupational Health and Safety Act*, provides workers with the right to refuse work that they reasonably believe will cause a danger to their health and safety, or that of another person, should they perform the task. The <u>Safety, Compliance & Violence Prevention Team</u> are available to address any question, concerns or for consultation regarding worker's rights to refuse unsafe work.

What are the steps involved in a work refusal process?

Step 1

Workers must report the work refusal to their supervisor and explain why they believe the work is dangerous. The supervisor and worker must work together to assess the risk and resolve the concern. The worker is required to remain at the workplace during the work refusal process and a PSMS Employee Event must be completed and include what steps were taken to address the hazard or what concerns remain.

Step 2

If the supervisor and the worker are unable to agree on a resolution, the worker must refer the matter to the Occupational Health and Safety Committee (OHSC) or the Safety Representative to help assess the situation and attempt to resolve the issue. Worker members are appointed by their unions and a list of OHSC representatives is to be posted on the safety board at each worksite.

Step 3

If the situation cannot be resolved and the worker still feels the work is dangerous for them to perform, WCB Safety Enforcement can be contacted to investigate the work refusal.

Are there exceptions to the right to refuse unsafe work?

Yes, there are generally two exceptions to the right to refuse unsafe work. First, dangers or hazards which are inherent to the worker's work, or which are normal conditions of the worker's employment will generally not give rise to a right of refusal.

Second, when the refusal to work would directly endanger the life, health or safety of another person, the worker is usually prohibited from exercising their right to refuse unsafe work. These two exceptions could include, for example, police officers, firefighters, and health care workers with regards to certain dangers or certain situations.

References:

Occupational Health and Safety Act (S) 46 R.S.P.E.I. 1988, Cap. O-1.01 WCB OHS Guide Work Refusal

Canadian Centre for Occupational Health & Safety (CCOHS) Health & Safety Legislation in Canada

