Reassignment of refused work

Under Section 3.12.1 of the Occupational Health and Safety Regulation

Work has been refused under Section 3.12

Matter is resolved under 3.12

Worker returns to work or task

Matter remains unresolved

The employer can reassign the refused work/task to another worker ONLY if they have advised, in writing, the second worker and one of the following people:

a) a worker representative of the Joint Committee

b) a worker who is selected by their union (example: a steward)

The written advisory must include:

1 the refusal

2 the unsafe condition that was reported under 3.12

3 the reasons why the task would not create an undue hazard to the health and safety of the second worker or any other person

4 the right of the second worker to refuse unsafe work following the procedure under 3.12

Remember:

You are not refusing to work. You are refusing to do the task or activity that you believe puts yourself or anyone else at risk of injury.

While your concern is being investigated, you may be assigned to temporary alternative work at no loss of pay, until the matter is resolved.

You cannot be disciplined in any way for exercising your right to refuse unsafe work even if WCB decides the work is safe.