

LEGISLATIVE BRIEFING

A Regional Employers Services Publication

Vol. 42, August 30, 2022

metrovancover

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EMPLOYERS
SERVICES

NEW EMPLOYER OH&S OBLIGATIONS – REFUSAL OF WORK

WorkSafeBC's Board of Directors have amended rules on the refusal of unsafe work set out in section 3.12 of the [Occupational Health and Safety Regulation](#). These amendments took effect on August 22, 2022.

Most employers and employees are likely familiar with a worker's fundamental right to refuse unsafe work where there is a reasonable cause to believe it would create an undue hazard to their health or safety. This right is described in section 3.12 along with the established process for reporting and refusing unsafe work, and processes to follow in investigating and resolving such matters.

KEY AMENDMENTS

New amendments add additional requirements for the employer prior to the reassignment of refused work to another employee. The employer must not assign another worker to the task without informing them of the refusal and the reported unsafe condition.

Under the new supplemental section, [\(3.12.1, Reassignment of refused work\)](#), an employer must not require or permit another worker to do refused work **unless**:

- The matter has been resolved as outlined in the regulation, or
- The employer has, **in writing**, advised the other worker of all of the following:
 - The refusal
 - The unsafe condition reported
 - The reasons why the task would not create an undue hazard
 - Their right to refuse unsafe work

Written notice of a work refusal must be provided while the employer is working through the process to resolve the work refusal. Written notification must be provided to any worker assigned or permitted to do the work that is the subject of the work refusal and to the joint health and safety committee or worker health and safety representative, when there is one at the workplace.



Previously, section 3.12 established the process for refusing unsafe work and responding to such refusals but it did not prohibit reassignment of refused work or require the employer to inform any subsequent worker about a previous work refusal. The need for change was identified in the 2019 report: [WorkSafeBC and Government Action Review: Crossing the Rubicon](#). The purpose of this additional requirement is to strengthen worker protections by making the right to refuse process more transparent so workers can make informed decisions.

As these amendments are in effect, employers must adopt these practices when reassigning unsafe work. In addition, employers should review and update policies, procedures, and training on refusal of unsafe work processes to align with the new requirements.

QUESTIONS?

If you have any comments or questions about this update, please e-mail RES360@metrovancover.org or call 604-451-6558.

SOURCES

[“Regulatory amendment: A primer on refusing unsafe work”](#), August 22, 2022

[“WorkSafeBC amends rules on the refusal of unsafe work so workers can make more informed decisions”](#), August 22, 2022