

## OHS Regulation Part 3: Rights and Responsibilities

### ***3.12 Procedure for refusal***

- (1) A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment 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.
- (2) A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to the worker's supervisor or employer.
- (3) A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
  - (a) ensure that any unsafe condition is remedied without delay, or
  - (b) if, in the supervisor's or employer's opinion, the report is not valid, must so inform the person who made the report.
- (4) If the procedure under subsection (3) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of
  - (a) a worker member of the joint committee,
  - (b) a worker who is selected by a trade union representing the worker, or
  - (c) if there is no joint committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.
- (5) If the investigation under subsection (4) does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor, or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

[Amended by B.C. Reg. 116/2022, effective August 22, 2022.]

#### ***3.12.1 Reassignment of refused work***

If a worker refuses work under section 3.12, the employer must not require or permit another worker to do the refused work unless

- (a) the matter has been resolved under section 3.12(3), (4) or (5), or
- (b) the employer has, in writing, advised the other worker and a person referred to in section 3.12(4)(a), (b) or (c) of all of the following:
  - (i) the refusal;
  - (ii) the unsafe condition reported under section 3.12(2);
  - (iii) the reasons why the work would not create an undue hazard to the health and safety of the other worker or any other person;
  - (iv) the right of the other worker under section 3.12 to refuse unsafe work.

[Enacted by B.C. Reg. 116/2022, effective August 22, 2022.]