

July 6, 2022 | By email: 2 pages

WSBC Board approves amendments to regulation concerning refusal of unsafe work

WorkSafeBC (WSBC) has amended Section 3.12 of the Occupational Health and Safety Regulation. This section outlines a worker's rights to refuse unsafe work. The regulation directs a person not to perform any work if they have reasonable cause to believe doing so would create an undue hazard to the health and safety of any person.

The new amendments include additional requirements for the employer around assigning refused work to another worker. **As of Aug. 22, 2022, employers 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 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

Impact: work cannot be reassigned until step one of the investigation is complete and written notice is provided to the new worker

The requirement of "in writing" communication to the other worker is an additional step that was not previously required. This means that until the investigation has been completed in step one of the refusal of unsafe work, the work cannot be reassigned. The employer would, therefore, not be permitted to assign the work to another employee while investigating the matter. This delay could impact student safety.

BCPSEA is working with WSBC to consider the unique circumstances of public education in guidance materials

BCPSEA will continue to be in close discussions with WSBC to clarify what options are available to the public education sector to operationalize this new requirement. We are working with WSBC to include public education considerations in the guidance documentation to accompany the regulation. This could include an exception for situations involving externalizing behaviour by persons other than a worker where the replacement worker is trained to the specific administrative control (individual safe work instruction).

What school districts need to do to meet the new requirement:

- Review and update refusal of unsafe work documentation, including procedures, instructions, forms, and training. Add a step of written communication to other workers prior to reassignment of refused work.
- Review the [Refusal of Unsafe Work Process Form v2.0](#) on the BCPSEA website to get an idea of what could be included in your form.
- Conduct training for supervisory staff prior to the beginning of the 2022-2023 school year.
- Inform employees of the changes during the fall orientation process.

Background information from WSBC can be found in the following links:

- Amended Regulation - [Part 3, Reassignment of refused work](#)
- Stakeholder Feedback - [December 2021 Public Hearing Submission Summary – including BCPSEA written submission to WSBC](#)