

Ensuring a safe workplace

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What obligation is there on my employer to maintain a safe workplace?



All workers have a right to a safe work environment. The Workers Compensation Act of BC requires employers to provide safe working environments for their employees. In addition, HSA has negotiated collective agreement language that defines the obligations of employers to maintain a safe workplace.

HSA also takes a leadership role in the promotion of workplace safety. HSA does this by various means including: working with employers to encourage the addressing of workplace safety issues, including participating in committees respecting occupational health and safety; offering health and safety education initiatives for our membership; and by providing members with support or representation before the Workers Compensation Board should a workplace injury occur.



What can I do if I feel there may be an unsafe situation in my workplace?



If the safety issue is not immediate, make notes of your concerns and discuss, as soon as you are able, the details with your supervisor. In addition, you may wish to speak to your steward. Your steward can then advise you if any further steps with the employer need to be taken.



What can I do if there is a sudden unsafe situation that arises at work? Can I refuse to work if I think the situation is dangerous?



First, discuss your concerns as soon as possible with your immediate supervisor. In this way, if the supervisor agrees, the matter may be resolved immediately. If time allows, you may also wish to discuss the details with your steward. Your steward should be made aware of your concerns as soon as is practicable in order that they may assist you in whatever manner possible. Workers have a right to refuse work when working would be unsafe. This is an exception to the general rule -work now, grieve later." However, this refusal must be exercised by a worker prudently since refusing to work can be regarded by an employer as insubordination.

If a worker refused to work due to a safety concern and was disciplined, at an arbitration the onus would be on that worker to show either some or all of the following depending on the circumstances of the case:

1. That the worker had an honestly held belief at the time of the refusal that their health or well-being was endangered;
2. That this concern was communicated to their supervisor in a reasonable manner and in a timely way;
3. That the worker's concern respecting safety was objectively reasonable in the circumstances; and,
4. That the danger was sufficiently serious to justify refusing to work.

Since each case of refusal to work is based upon unique circumstances, it is strongly encouraged to discuss the matter with your steward in advance of taking any action. 

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