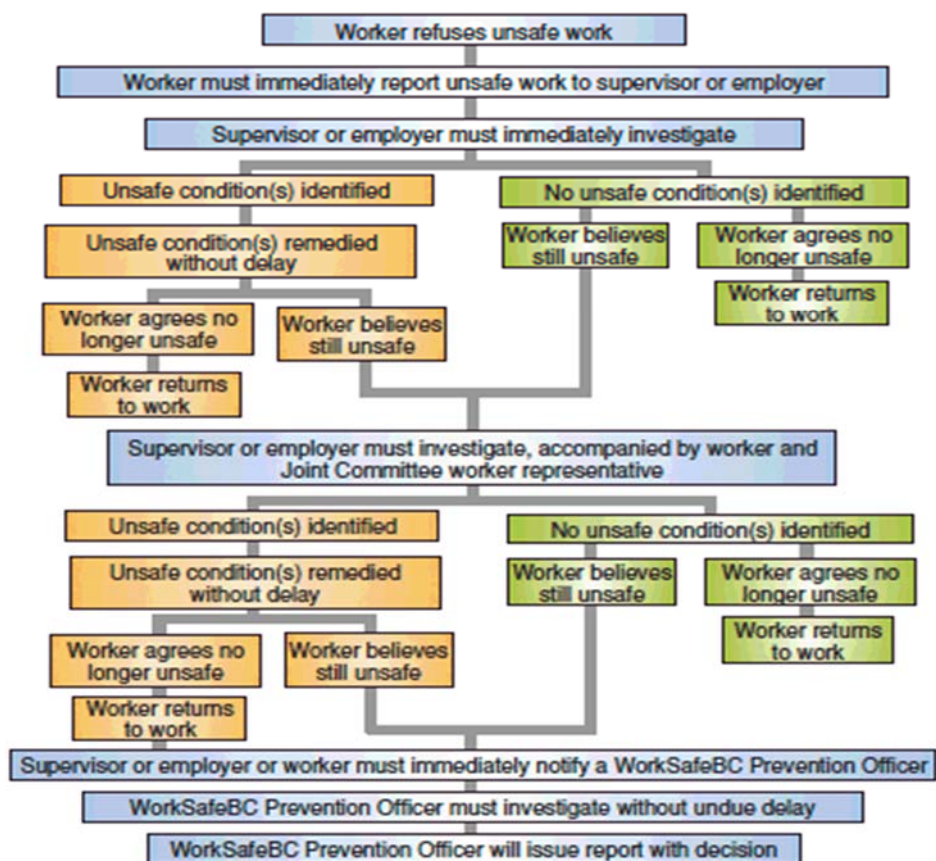


## 7 Right to Refuse Work



### Elements of the right to refuse

#### Reasonable cause to believe:

If the average worker assessing the situation in good faith, using reasonable judgment and having regard to the worker's training and experience, would have reason to believe that the circumstances present an undue hazard.

In some instances, the "average person" for the purposes of section 3.12 may not necessarily be average in terms of their susceptibility to an illness or injury, due to his/her individual health condition. Some persons may have an underlying condition which would lead them to suffer an illness or sustain an injury, even though others would not be affected in the same way. In this so-called "susceptible worker" situation, the objective test is to be applied in the context of the person's specific health condition. To uphold a work refusal, there needs to be a direct connection between the undue hazard asserted by the susceptible worker, and his/her illness or injury. The employer may ask for confirming evidence of the connection between the hazard and the person's health condition, such as a medical report, when investigating the work refusal.

A number of factors may be considered in evaluating if a person's belief is reasonable, including evidence that an undue hazard exists, and whether the circumstances would normally lead a WorkSafeBC prevention officer to issue a stop-use or stop-work order under sections 190 or 191 of the Workers Compensation Act.

#### Undue hazard:

A thing or condition that may expose a worker to an excessive or unwarranted risk of injury or occupational disease represents an undue hazard for the purposes of section 3.12 of the Regulation.