

CUPE2424

From: CUPE2424 <CUPE2424@cunet.carleton.ca>
Sent: September 8, 2020 8:32 AM
To: CUPE2424 Members
Subject: Right to Refuse Unsafe Work

Dear members,

On-campus operations are expected to remain very limited for some time but with some people gradually returning to campus, members should understand their rights with respect to health and safety in the context of COVID-19.

Those of us working from home retain a certain amount of control over how we protect ourselves from COVID-19. We can choose when to go out, where, how often, and with whom we interact. Members working on campus may feel less in control and could feel greater uncertainty.

Employers have an obligation under the Occupational Health and Safety Act (OHSA) to take every reasonable precaution to protect a worker. Carleton has been proactively consulting with CUPE 2424 about the University's return-to-work protocols and "recovery plans" and has implemented considerable University-wide and department-specific measures to ensure the safety of workers on campus.

This does not eliminate the possibility of particular situations where individual workers may still feel unsafe. The mere existence of COVID-19 does not give workers the right to refuse work but workers do have the right under the OHSA to refuse work if they believe there is an *increased* risk of COVID-19 in the workplace.

Some examples might be:

- *the employer fails to direct a co-worker who tested positive for COVID-19 to immediately leave the workplace*
- *the employer fails to take reasonable steps to disinfect an area where a person known or suspected to have contracted COVID-19 was previously working*
- *An employee is directed to provide service to a customer with visible symptoms of COVID-19 (exceptions may include Health Services and University Safety where employees should have medical-grade protective equipment).*
- *The employer has failed to take basic precautions such as providing sinks for handwashing or requiring masks and physical distancing in accordance with provincial or municipal orders*

An employer also has a legal duty to accommodate employees with an illness or disability that makes them especially vulnerable to COVID-19. This means that the employer must make adjustments so that employees can continue working in a way that is safe. For example, working from home is a common accommodation for immunocompromised or immunosuppressed workers. If working from home is not possible, attempts should be made to explore other possible accommodations. Members who feel they have not been safely and satisfactorily accommodated upon request are encouraged to contact the Union.

When in doubt, stop the work, and escalate to a Manager or designate within your department. If you are not satisfied that an issue has been effectively resolved, please notify ehs@carleton.ca (Environmental Health and Safety)

with a copy to cupe2424@carleton.ca.

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