

Issue Regarding Vehicles? Side Mirrors Was an Accommodation Issue



A paramedic's employer changed vehicles. The new vehicles have side mirrors that the paramedic claimed were illegal and unsafe. He exercised his right to refuse unsafe work. An OHS official investigated the refusal and ordered the employer to determine the optimal driver side mirror configuration and to take the appropriate action to provide an unobstructed view of that mirror. The Appeals Tribunal found that the employer had complied with the order, noting, however, that there was no evidence that the vehicles on the day of the refusal didn't meet the legal requirements to be sold in the province. If the paramedic still had issues seeing in the mirror due to an increased likelihood of injury when exposed to the high risk movements of frequent spinal and neck rotation, then the issue is one regarding accommodation, which was beyond the Tribunal's authority [20178275 (Re), [2017] CanLII 21164 (NB WCAT), April 3, 2017].