

Normal Fear of Getting COVID Isn't Grounds for a Work Refusal



Since the pandemic began, literally hundreds of workers have initiated COVID work refusals. And in almost every one of these cases, the worker lost. This is hardly surprising, considering what happened during previous infectious illness outbreaks like SARS and avian influenza.

The bottom line from the court cases, as reinforced by OHS guidelines, is that fear of getting coronavirus at work isn't grounds for a work refusal unless infection risk is 'undue.' By 'undue,' courts and OHS regulators mean the danger must be greater than any member of the general public would face in leaving the home and spending a bunch of hours in a setting with a lot of other people.

For employers seeking to manage the risk of work refusals the key is to obey the COVID public health guidelines and emergency orders by implementing a thorough infection control plan. As long as you do that, workers won't have grounds to refuse and you can bring refusal events to a swift conclusion. If, however, you let workers run around without masks, don't diligently clean and disinfect, fail to enforce social distancing or run afoul of any of the other COVID protocols, you expose workers to 'undue' infection risks and give them a legal case to refuse, while also exposing yourself to fines and closure orders.