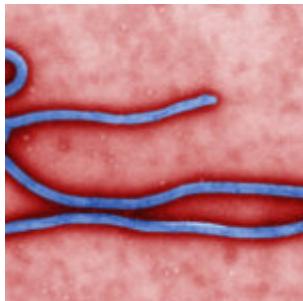


WINNERS & LOSERS: Can Paramedics Base Work Refusal on Fear of Ebola?



Under the OHS laws, workers have the right to refuse work they believe is unsafe, such as because a pinchpoint on machinery is unguarded or they don't have the appropriate PPE. But those beliefs must be reasonable. In other words, if the work isn't really dangerous or doesn't reasonably appear to be dangerous, their refusal is unjustified. For workers in the healthcare sector, the risk of contracting a disease or illness is often very real. So can workers refuse to work out of fear that they'll be catch a specific disease? This issue has recently arisen due to the current outbreak of Ebola in Africa and the presence of infected individuals in other countries. Paramedics in Ontario and Quebec initiated work refusals, arguing that their employers hadn't taken adequate steps to protect them from exposure to this serious virus. Here's a look at the outcomes of each refusal.

REFUSAL WASN'T JUSTIFIED

FACTS

Paramedics employed by the Toronto Paramedic Services (TPS) initiated a work refusal, saying they wouldn't go back on the job until they received proper training on Ebola procedures. The paramedics also raised concerns about the equipment to be

used in the treatment of patients who might be suspected of having Ebola. TPS contacted the Ministry of Labour, which send an inspector to attend and review the paramedics' concerns.

RULING

The Ontario Ministry of Labour (MOL) ordered the paramedics back to work.

EXPLANATION

The MOL explained that hypothetical situations aren't legitimate reasons to refuse work. In addition, TPS is taking the following safety measures to address the risk of exposure to Ebola:

- Actively screening 911 calls for infectious disease to alert paramedics before their arrival of any potential infectious disease risk, including Ebola;
- Providing PPE to safely manage patients with infectious diseases, including Ebola;
- Purchasing enhanced PPE for the management of suspected Ebola patients; and
- Providing one-on-one instruction between supervisors and paramedics on the use of such PPE and management of patients with infectious disease, including Ebola.

REFUSAL WAS JUSTIFIED

FACTS

Two paramedics from Montreal's south shore refused to do their jobs, claiming that they lacked proper equipment and training to protect themselves from Ebola. The paramedics, who are both fathers, said having a family had a big impact on their decision. Québec's Commission de la santé et de la sécurité du travail (CSST) sent an inspector to Ambulances Demers to investigate the refusal.

RULING

The CSST inspector ruled the paramedics weren't sufficiently protected from exposure to Ebola.

EXPLANATION

In the CSST's report on the refusal investigation, it ordered the employer to do the following to address the concerns raised by the paramedics:

- Implement a disinfection strategy;
- Buy appropriate protective clothing; and
- Train employees on wearing this special uniform.