

Worker's Refusal Was Emotional—Not Based on Reasonable Grounds



A worker at a residential care facility for mentally disabled adults claimed to have a medical condition that made her more likely to suffer serious injury if physically attacked. While delivering juice and food, she was hit by one of the residents. The facility changed the rules so that two workers always went with the juice cart. But the worker asked to be excused from this job. When the facility said no, she initiated a work refusal. An OHS officer investigated and ordered her to resume accompanying the juice cart. She appealed. The Labour Relations Board said the facility had implemented adequate measures to protect workers from violent residents. In fact, nine out of 10 workers affected by these measures said they felt safe. The Board concluded that the worker's perception of the danger of manning the juice cart was emotional and not based on reasonable grounds [OHS-0342, [2012] NSLB 66 (CanLII), Feb. 21, 2012].