

# Ceasing or refusing unsafe work

If you are concerned you are being exposed to a serious health and safety risk at work, you must raise this concern with your manager and record it in your incident management system (IMS in the public sector).

If you have made all reasonable attempts to raise your concerns and are still being directed to undertake unsafe work, you have a right to refuse to do work if it would expose you to a serious risk to your health and safety.

## DO NURSES AND MIDWIVES HAVE THE RIGHT TO REFUSE DANGEROUS WORK?

The answer is **YES** – all workers have the right to refuse to do dangerous work.

You have the right to refuse unsafe work under section 84 of the *Work Health and Safety Act 2011* if you have a **reasonable concern** that to carry out the work would expose you to a serious risk to your health or safety emanating from an **immediate or imminent exposure** to a hazard.

Refusing unsafe work is not industrial action and does not affect the continuity of engagement of the worker.

## WHAT DO I NEED TO DO?

- You must notify your employer that you have ceased work or will not be undertaking unsafe tasks under s84 of the *WHS Act*
- You must remain available to carry out suitable alternative work

e.g. Contact your manager and say:

*I will not be able to work on the COVID-19 ward today as I have not been provided with properly fitting PPE. I believe this would expose me to a serious risk to my health. I will need to be redeployed to another task/ area where I don't require airborne precautions.*

## WHAT IF MY MANAGER SAYS I HAVE TO DO THE UNSAFE WORK?

You **do not** have to do things that will expose you to a serious risk. Advise your manager that you have the right to refuse unsafe work under s84 of the *WHS Act*. Call the Association if you require assistance.

If you have an elected Health & Safety Representative (HSR) (elected under the *WHS Act*), you can consult with your HSR. They can consider whether the situation warrants them directing that unsafe work cease. Contact the Association if you are interested in having HSRs in your work area.

If there is a dispute or issue that arises as a result of you refusing unsafe work, either you or your employer can contact SafeWork NSW on 13 10 50 to request they appoint an inspector to attend your workplace to assist in resolving the issue.

## When you call SafeWork you will need to:

- Advise that you have refused unsafe work under s84 of the Work Health & Safety Act as you are concerned you are being exposed to a serious risk to your safety (and details of what this is)
- Request that an inspector is appointed and attend your workplace under s89 of the Act to assist in resolving the issue.
- If you believe undue pressure is being placed on you to undertake the unsafe work you have refused, you should also include this in your call.
- Members of the NSW Nurses & Midwives' Association can contact us on 8595 1234 at any stage for further advice and support.

