



# BC FERRY & MARINE WORKERS' UNION

**Bulletin #13**  
**February 27, 2022**

## **YOUR RIGHTS TO REFUSE UNSAFE WORK AND REFUSE OVERTIME**

### **FATIGUE IMPAIRMENT**

The most common cause of fatigue is not getting enough sleep or having poor sleep quality. Fatigue can also be caused or intensified by such factors related to the workplace task, the work environment, or scheduling.

#### **WorkSafeBC OHS Regulation 4.19**

- (1) A worker with a physical or mental impairment which may affect the worker's ability to safely perform assigned work must inform their employer of the impairment, and must not knowingly do work where the impairment may create an undue risk to the worker or anyone else.

#### **Fatigue impairment and the right to refuse unsafe work (OHS Regulation 3.12)**

If you reasonably believe the work you are asked to do is unsafe for any reason, including fatigue impairment of yourself or a co-worker, it is your legal right and responsibility to refuse the work and report the [unsafe work](#) as per OHS Regulation 3.12.

### **YOUR RIGHT TO REFUSE OVERTIME**

Refusing overtime is a right our Union members have subject to Article 18.07 of our Collective Agreement, and refusing substitution is a right members have subject to Article 10.10. WorkSafeBC regulations supplement your rights under the Collective Agreement.

We applaud members who exercise their Collective Agreement rights as assertion of our rights helps maintain and uphold those rights.

Our Union will back you 100% in your assertion of these rights.

However, please note there is no order or direction from our Union that members must refuse overtime or substitution - these remain your rights to exercise freely.

Stay healthy, stay safe.

Eric McNeely  
Provincial President

**“Shop Stewards: Please Post on Bulletin Boards”**

BC Ferry & Marine Workers’ Union  
1511 Stewart Avenue  
Nanaimo BC V9S 4E3

**Union Office Telephone:** 1.800.663.7009 or 250.716.3454  
**Fax:** 250.716.3455