News

Federal Health and Safety Tribunal Considers Fukushima Nuclear Incident in Context of Canadian Work Refusal

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An Appeals Officer of the Occupational Health and Safety Tribunal Canada recently considered the damage caused to the Fukushima nuclear facility by the 2011 Japanese tsunami in the context of a work refusal under the *Canada Labour Code.*

The appellant was a mail sorter with Canada Border Services Agency. Shortly after the Fukushima incident in 2011, he noticed mail arriving from Japan and instigated a work refusal on the basis of possible radiation contamination. In his decision, the Appeals Officer noted that both Health Canada and the Radiation Protection Bureau ("RPB") were actively monitoring and assessing the situation, and had determined that the risk of any radiation-contaminated mail arriving from Japan was extremely slight. The Appeals Officer found that the assessments made by the RPB and Health Canada were based on scientific methods, not "mere conjectures or assumption," thereby affirming that a work refusal must be based on more than mere speculation to be upheld.

A detailed discussion of this case is found on our Case in Point blog post, "Federal Appeals Officer Confirms Work Refusal Must Be Based on More Than "Hypothesis or Conjecture."