

The Village Well Resource Sheet #1.5 2021 Reopening Q & A

Q.

How does the “Right to Refuse” apply in the context of COVID-19?

A:

ANSM called the Department of Labour and Advanced Education (LAE) and received the following answer to this question.

With COVID-19 there are several factors to consider when it comes to right to refuse.

If an employee feels that their work place is not meeting the safety standards laid out by the provincial government for preventing the spread of COVID-19 they are allowed to refuse work. They should follow the “Right to Refuse” policies laid out on the LAE website. However, **the right to refuse based on potential exposure to COVID-19 is circumstantial so employers should first and foremost focus on making sure their employees feel safe and protected** from the virus. In the museum setting this could include, but is in no way limited to:

- **Trying to find work where a high risk or concerned staff members are in less direct contact with the public.** This could include working behind the scenes, working shifts when there are fewer visitors, working in less visited spaces, work from home options etc.
- **Ensuring there is access to PPE, sanitizer, soap, physical barriers between staff and the public, ensuring staff have the time they need to wash their hands regularly** (particularly those who are handling money, POS systems, gift shop items etc.)
- **Being proactive to ensure that visitors understand how to follow current public health guidelines around masking and social distancing.** This could include signage, announcements on websites and social media, a verbal reminder to everyone who comes in the building etc.

Q.

Can a museum ask staff if they have been vaccinated?

A.

ANSM called the Nova Scotia Human Rights Commission received the following answer to this question.

To ask if your staff members has been vaccinated is not currently considered an invasion of privacy. However, there are several factors to consider prior to asking this question.

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- **You cannot single out any one person or group to ask if they have been vaccinated.** If you do so, it may be seen as a discriminatory practice. If you are going to ask, ask everyone, and make it very clear that you are asking everyone.
- **You should only be asking if your staff has been vaccinated so that you have information that can be used to best protect your staff, volunteers and visitors.** This is something that should be made clear when the question is asked.
- **The thinking and policies related to asking if someone has been vaccinated, or for evidence of vaccination, is still evolving locally, nationally and internationally.** We may see more specific clarification around these questions in the coming months, and certainly in the coming years, so remember that this is all very new and recommendations may change.