

Saving the Lifesavers: Balancing the Duty of Care of Health Workers and their Right to Refuse Unsafe Work

*Jerland S. Casilan**

jscasilan@gmail.com / jscasilan@alum.up.edu.ph.

ABSTRACT

Occupational safety is critical in reducing patient harm in the healthcare setting by providing a secure and healthful work environment. Under the Occupational Safety and Health (OSH) law, the right to refuse unsafe work may be invoked upon prior determination of imminent danger in the workplace or upon failure of the employer to provide adequate personal protective equipment (PPE). Unfortunately, health workers cannot refuse unsafe work due to a lack of PPE, especially during a public health crisis.

Hence, this paper explored the “*two-pronged war*” faced by health workers: balancing their sworn duty to provide care and their statutory right to refuse unsafe work. It also analyzed the said statutory right and harmonized it with the standard of care. Following the recent Supreme Court rulings on corporate responsibility, it is suggested that incentivizing the diligence required of employers to provide a safe work environment may help avoid injury to patients and the liability of health workers.

Keywords: Occupational safety, right to refuse unsafe work, health workers, corporate responsibility

***Atty. Jerland S. Casilan, MSN, RN, is a Lawyer at the Energy Regulatory Commission (ERC). He earned his Juris Doctor in 2023 from the University of the Philippines Diliman.**