The answer to your question is complex as it is both legal and ethical in nature. According to the federal Occupational Safety and Health Administration (OSHA), employees have the right to refuse dangerous work when four conditions are met:

- Where possible, the employee has asked the employer to eliminate the danger, and the employer failed to do so,
- The employee refuses to do the work in good faith, holding a genuine belief that an imminent danger exists,
- A reasonable person would agree that there is a real danger of death or serious injury, and,
- There is not enough time, given the urgency of the hazard to get it corrected through regular enforcement channels.

None of these factors addresses the source of the danger of the current danger to health care workers during the COVID-19 pandemic: the lack of PPE. An important consideration is whether denial of PPE is intentional or whether it is due to supply chain shortage beyond the employer's control, and depending on jurisdiction whether the employer offered reasonable alternatives to protect the employee.

Employers have a duty to mitigate/eliminate the danger to the employees (depending on state/federal laws). The CDC has issued a series of recommendations regarding the use of cloth masks, and the reuse of N95 masks.

In any claim by a nurse against an employer for dismissal for refusal to work due to lack of PPE, there may be consideration by the courts of whether employers made reasonable attempts to provide alternatives that allow the employee to complete the work without safety risks. It is not known whether an employer providing cloth masks or reuse of N95 masks would be considered reasonable alternatives. Given current CDC guidance on this issue, this may provide employers with some protection against these types of employment whistle blower claims. Such determinations will be very fact-specific, based on the unique circumstances of each case.

From the ANA: Nurses must be professionally and personally prepared. Nurses should know in advance that they may be called upon, and will need to make arrangements with their families for communication, and even for care of children or dependents during their absence. Registered nurses need to be aware of the ethical situations they may encounter, especially in times of scarce resources and supplies when they may face unimaginable patient care decisions. They need to advocate for systems and
protocols that protect their ethical obligations as nurses, as well as ensure equity and fairness in disaster medical care planning. Human rights may be jeopardized in extraordinary contexts related to fields of battle, pandemics, political turmoil, regional conflicts or environmental catastrophes where nurses must necessarily practice under altered standards of care.

Best,

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