

WORKERS' RIGHTS

IDENTIFY

Employers have the responsibility to provide a safe and healthy workplace. Workers, however, have the right to protect their safety and health. The Workplace Safety and Health (WSH) Act Section 2(2)(e) outlines these rights.

COMMUNICATE AND CONTROL

In Manitoba, legislation dictates four key rights that all workers have: the right to know, the right to participate, the right to refuse, and the right to protection against reprisal.

Right to know

Workers have the right to know about workplace safety and health hazards.

The WSH Act and Regulation says that employers must provide a wide range of information about workplace hazards to workers and WSH committees.

Committees have a duty to communicate with workers. WHMIS, the Workplace Hazardous Materials Information System, is one example of the right to know. WHMIS is a world-wide system designed to protect workers by providing information about hazardous materials on the job.

WHMIS has three parts:

- Labels
- Safety Data Sheets (SDS)
- Worker education and training

Right to participate

Workers have the right to make recommendations about safety and health. Employers must recognize this right to participate by consulting with WSH committees about safety and health training.

A worker on the committee has the right to be present at the beginning of testing equipment, and to participate in their workplace safety and health inspections and investigations.

This WSH committee also has the right to make recommendations to employers about safety and health improvements.

Employers must reply in writing within 30 days to the recommendations.

Competent and trained worker members have the right to investigate complaints dealing with dangerous circumstances.

Right to refuse

Workers have the right to refuse work if they believe it endangers the safety and health of themselves or others.

The WSH Act and Regulation sets out specific procedures. This is a three-stage process:

- 1) You can refuse based on your subjective belief that the work is dangerous. You must inform your supervisor or employer.
- 2) Once a supervisor has investigated, you may still have reasonable grounds for believing that the work is dangerous. In this case, you may continue to refuse work. At that point, a WSH committee member must be called in to investigate.
- 3) If the situation still is deemed to be dangerous, based on reasonable grounds, a WSH officer from the WSH Branch may be called to investigate.

Right to protection against reprisal

It is illegal for an employer to discipline a worker who tries to protect themselves or another worker from unsafe or unhealthy work conditions.

This legal protection extends to the following:

- Your right to know, your right to participate, and your right to refuse unsafe work.
- Your right to report safety and health concerns to your supervisor/employer, WSH committee, or the government's WSH Division.
- Any other rights you have under the WSH Act and Regulation.

COMMUNICATE AND CONTROL

Supervisor

Supervisors are responsible to protect their own safety and the safety of other persons in the workplace. This includes the following:

- Ensuring that workers use and wear any protective equipment or clothing, required by legislation, and/or the employer.
- Advising workers of any possible hazards on the job.

Worker

Every worker must take reasonable care to protect their safety and health as well as the safety and health of other persons in the workplace. This includes the following:

- Wearing any protective equipment or clothing that your employer/legislation requires you to wear.
- Reporting to your employer or supervisor any protective device that is missing or not working properly.
- Reporting to your employer or supervisor any hazard in the workplace.
- Reporting any violations in legislation.

THE QUIZ

1. What are the four rights a worker has?
 - a) The right to know, refuse, participate, and protection
 - b) The right to be aware, education, participation, and protection
 - c) The right to know, education, protection, and to be a part of a team
 - d) The right to know, refuse, participate, and be aware
2. WHMIS has three main parts:
TRUE _____ FALSE _____
3. What does SDS stand for?
 - a) Standard Documentation System
 - b) Safety Data Standard
 - c) Safety Data Sheets
 - d) Safe Data Sheets
4. According to the WSH Act and Regulation, a two-stage process must occur when a worker practices his or her right to refuse:
TRUE _____ FALSE _____
5. Workers can refuse work based on reasonable grounds if they deem the work dangerous to themselves or others:
TRUE _____ FALSE _____
6. A workplace example of the right to participate is:
 - a) WHMIS
 - b) Refusing unsafe work
 - c) Making recommendations about safety and health
 - d) Disciplining an employee for protecting themselves in an unsafe environment.
7. Name one responsibility a supervisor has for protecting their own safety and the safety of others.

1. a; 2. TRUE; 3. c; 4. FALSE; 5. TRUE; 6. c; 7. Ensuring workers use required PPE or advising workers of possible hazards

ANSWERS: