

# Tool Box Talk

## WORKER RIGHTS

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**T**he Occupational Health and Safety (OHS) Act supports every worker's right to a safe and healthy workplace. Employers have the right to determine and control the work, as long as it falls within the standards set out by Occupational Health and Safety. Workers have a duty to work and act safely, working with their employer to control workplace hazards and take necessary precautions to protect the health and safety of themselves and others. Only workers who are adequately informed and empowered can effectively fulfill their responsibilities. The Occupational Health and Safety Act grants workers three important rights: The Right to Know, Right to Participate and the Right to Refuse.

### Right to Know

Workers have the right to know about workplace hazards, including how to identify hazards and how to protect themselves and others from those hazards. Hazards are anything that has the potential to cause injury or illness. The OHS Act and Regulations states that employers must provide a wide range of information about workplace hazards to their workers as well as their OHS Committee or Representative. Workplace Hazardous Materials Information System (WHMIS) is an example of the right to know. WHMIS is a Canada-wide system designed to protect workers by providing information about hazardous materials on the job. Job Hazard Assessments (JHA) are another example of the right to know. This is a system put in place to identify and control hazards that can be encountered on the job. If your employer doesn't tell you, ask.

### Right to Participate

Workers have the right to participate in decisions related to occupational health and safety, free from reprisal for their participation. Participation, in part, is achieved through consultation with the committee or representative. A worker on the committee or acting as a representative may be involved in worksite inspections and investigations as well as identify problems and suggest solutions; however the final responsibility for the decisions about health and safety procedures lay with the employer.

### Right to Refuse

Workers have the right to refuse work that is unusually dangerous. The worker may refuse to perform any particular job at a place of employment where the worker has reasonable grounds to believe that the work is unusually dangerous to the workers' health and safety or the health and safety of others. The worker can refuse based on their belief that the work is unusually dangerous. The worker must inform their supervisor of this refusal. Once sufficient steps have been taken to satisfy the worker, the worker can then return to their duties. If the worker still believes they have grounds for refusing work that unusually dangerous, they may continue the right to refuse until the OHS Committee has investigated the matter advised the worker otherwise.

The OHS Act and Regulations protects these rights by prohibiting employers from imposing discipline on workers for fulfilling their responsibilities or exercising their rights. This helps workers to participate on a more even ground with employers in preventing workplace accidents and incidents.



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