OHS Legislation in Canada – Three Rights of Workers Fact Sheets



DO WORKERS HAVE RIGHTS?

Yes. Every person employed in Canada has the right to a safe work environment. In each jurisdiction, the *Occupational Health and Safety Act* (or equivalent) is based on the internal responsibility system (IRS). IRS requires that everyone at or associated with the workplace takes responsibility for their own health and safety and the health and safety of those around them. This responsibility includes employers, employees, owners, contractors, sub-contractors, contracting employers, and suppliers.

What are the three main rights of workers?

The *Occupational Health and Safety Act* in your jurisdiction entitles all workers to three rights:

1. The right to know about health and safety matters.
2. The right to participate in decisions that could affect their health and safety.
3. The right to refuse work that could affect their health and safety and that of others.

What is meant by the "Right to Know"?

The right to know means that as a worker, you have the right to be informed by the employer of known or likely hazards in the workplace, and to be provided with the information, instructions, education, training, and supervision necessary to protect your health and safety. This information should be provided before the work begins.

For example, information can be in the form of product labels, safety data sheets, safe work procedures, or codes of practice. Instructions can be verbal or in writing, and be provided by a supervisor, another employee at the workplace, or external providers. Training can be workplace specific, delivered by someone in the workplace, on-line, or be provided by outside agencies as long as it meets the needs of the employer and worker for your workplace.

As examples, areas of information include (but are not limited to):

- Workplace hazards identified during day-to-day operations, results of workplace inspections, steps to take for daily pre-use inspections of tools, safe use of equipment and machinery, reporting mechanisms for sub-standard working

conditions, procedures for various types of work (e.g., working in a confined space, working alone, working at heights, etc.) and the process for reporting hazardous conditions.
- Safe work policies, procedures and codes or practice, as required by both the legislation and the workplace itself.
- Emergency procedures, emergency evacuation, first aid procedures, incident reporting, and investigation procedures.

Meeting the requirements of WHMIS, the Workplace Hazardous Materials Information System, is often cited as an example of how to meet a worker's right to know about the chemical and biological material hazards from the products they work with.

The right to know may also include the form of communication used, and include using methods that assist workers who may need instructions in a different language, Braille, large print, audiotapes, sign language, or oral communication.

What is meant by the "Right to Participate"?

This right allows workers to have input on the steps taken by the employer to ensure health and safety.

Workers can provide input on what would make the workplace safe by:

- participating as a member of the health and safety committee (if the workplace requires one).
- being a health and safety representative for the workplace when given the opportunity.
- reporting any concerns whenever you encounter a health and safety matter that could cause harm to your health and safety or the health and safety of your co-workers.
- making suggestions to the committee or employer on how to make your workplace safer.

What is meant by the "Right to Refuse "?

The right to refuse is normally used when the first two rights fail to ensure your health and safety. Exercising this right is serious and should not be done lightly or as a routine method of solving workplace problems.

However, workers should not be afraid to exercise their right to refuse when they believe that the work will endanger their health or safety, or that of others. The right to refuse process involves several steps.

Common steps include:

1. Tell your supervisor about what is unsafe about your work. The supervisor must respond to your concerns, and, if in agreement, must take corrective action(s) to resolve the matter. If your supervisor disagrees with you, they should explain why they disagree.
2. If you are not satisfied with your supervisor's action(s) and your workplace has a health and safety committee or representative, advise them of your concerns. They can conduct an investigation on your behalf and provide a decision on their findings. If they agree with you, they can make recommendations to your employer to take corrective measures to remedy the unsafe situation.
3. If you are not satisfied with the committee or representative's action(s) or if there is no committee/representative, you can contact a health and safety officer in your jurisdiction who can investigate your concern. If the officer disagrees with you, the officer will advise you to return to work.

4. If you disagree with the officer’s decision, you have a right to appeal with your jurisdiction.
5. The employer has the right to temporarily reassign you to perform other work while the investigation is being conducted.
6. An employer may also assign another worker to perform the work, but only after advising the other worker of the work refusal and the reasons.
7. At all times during a work refusal process, workers can document their concerns regarding the dangerous situation or condition, persons they have spoken to, and the outcome of any conversations.

Below are links to the jurisdictions in Canada for further information about the right to refuse and the steps recommended in that jurisdiction:

Rights to Refuse in Canada	
Canada	https://www.canada.ca/en/employment-social-development/services/health-safety/reports/right-refuse.html
BC	https://www.worksafebc.com/en/health-safety/create-manage/rights-responsibilities/refusing-unsafe-work
Alberta	https://www.alberta.ca/refuse-dangerous-work.aspx
SK	https://www.saskatchewan.ca/business/safety-in-the-workplace/rights-and-responsibilities-in-the-workplace/duties-and-rights-of-workers
MB	https://www.gov.mb.ca/labour/safety/wsh_faqs_right_refuse.html
Ontario	https://www.ontario.ca/document/guide-occupational-health-and-safety-act/part-v-right-refuse-or-stop-work-where-health-and-safety-danger
QC	https://www.csst.qc.ca/en/prevention/Pages/en_right_refuse_work.aspx
NB	https://www.worksafenb.ca/workers/health-safety/your-rights/
NS	https://novascotia.ca/lae/healthandsafety/employeeright.asp
PEI	http://www.wcb.pe.ca/Workplace/RightsAndResponsibilities
NL	https://workplacenl.ca/site/uploads/2019/06/right-to-refuse-september-2015.pdf
YK	https://wcb.yk.ca/QuestionResults/OHS/Rights-and-Responsibilities/Q0225.aspx
NWT and NT	http://www.wscc.nt.ca/content/steps-refuse-unsafe-work

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