

## Workers' Rights

### The Saskatchewan Employment Act Part III and the Occupational Health and Safety Regulations, 1996

The law has given every worker, including managers and supervisors, three basic rights:

1. The right to know.
2. The right to participate.
3. The right to refuse an act or series of acts where the worker has reasonable grounds to believe that it is unusually dangerous.

The Right to Know

The Right to Participate

The Right to Refuse

#### The Right to Know

Every worker has a right to be:

- informed about the hazards at work;
- trained to recognize those hazards; and,
- trained to protect him or herself.

This right is built into all Regulations where information and training could help to protect workers. Workers must use the information and instruction provided.

#### The Right to Participate

In workplaces having 10 or more workers, the occupational health committee (OHC) is the principal vehicle for worker participation in the workplace. It is the forum for cooperative involvement of both labour and management. The committee brings together workers' in-depth, practical knowledge of specific jobs and management's larger overview of job interrelationships, general company policies and procedures.

In workplaces having less than 10 workers, the occupational health and safety representative is the key vehicle for worker participation. The representative is the liaison between the employer and co-workers, bringing worker concerns to the attention of the employer.

Workers' participation assists in developing a strong safety culture. Workers participate by:

- being knowledgeable regarding their rights and responsibilities under the legislation;
- asking for information from the supervisor;
- reporting health and safety concerns;
- discussing health and safety concerns at meetings;
- working safely;
- consulting with Saskatchewan Labour's occupational health officer (OHO);
- assisting in inspections and investigations; and,
- through their participation in safety, workers assist in cultivating a culture of safety.

The employer is responsible for making final decisions. However, where required by the legislation, the employer must:

- consult with workers on these decisions through the OHC; and,
- cooperate with the OHC.

On written notice by the OHC of an unsafe condition, the employer shall:

- take immediate steps to protect the health and safety of workers;
- take suitable action to correct the unsafe condition; and,
- inform the OHC in writing of:
  - the actions that the employer has or will take; and,
  - if no action has been taken, the employer shall inform the OHC of the reasons for not taking action and how the workers will be protected.

## The Right to Refuse

A worker has the right to refuse work that the worker has *reasonable grounds to believe is unusually dangerous*. The unusual danger may be to the worker or to others. This right is set out in the Act, Part III, Division 5, section 3-31.

An unusual danger could include:

- a danger that is not normal for the job
- a danger that would normally stop work
- an imminent danger and in contravention of the Act and Regulations
- a situation for which the worker isn't properly trained, equipped or experienced.

**The right to refuse is the right of an individual and not the right of a group.**

During a refusal, the refusing worker is protected from discriminatory action through the Act. The definition of discriminatory action is found in the Act, Part III, Division 1, section 3-1(i); and section 3-35 states: (excerpt)

3-35 No employer shall take discriminatory action against a worker because the worker:

(f) refuses or has refused to perform an act or series of acts pursuant to section 3-31.

In review, these are every workers rights:

1. The right to **know**: be informed about hazards; trained to recognize the hazards and trained to protect yourself.
2. The right to **participate**: know your rights and responsibilities; ask; report; discuss concerns at meetings; work safe; consult an OHO; help with inspections and investigations; your participation helps to promote a culture of safety.
3. The right to **refuse** work *believed to be unusually dangerous*.

## Safety Talk Discussion

**Be Accountable: Choose safety - work safe - and go home injury free!**