

Worker Rights

Did you know that in Manitoba and across Canada, every worker has three rights when it comes to safety in the workplace? Those rights are included in The Manitoba Workplace Safety and Health Act and Canada Labour Code Part II, but what do each of those right mean for employers?

Did you know that in Manitoba and across Canada, every worker has three rights when it comes to safety in the workplace? Those rights, which are included in The Workplace Safety and Health Act and Canada Labour Code Part II include

- The right to know,
- The right to participate, and
- The right to refuse.
- In Manitoba, workers also have a fourth right: the right to protection from reprisal.

But what do each of those right mean for employers?

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.

Specifically, the right to know refers to required information that may affect the health and safety of someone at the

workplace, or any information required to identify and control potential hazards in the workplace ([MB Workplace Safety & Health Act, Section 7.5](#); see also [Employer's Duty re: training](#)). Practically speaking, this means that your employees and contractors have the right to know about hazards in the workplace. Proper training and resources - such as WHMIS and TDG training, hours of service training - fulfill the worker's right to know. Daily trip inspections are another method of identifying hazards. Employees who take this training/use these resources will be aware of potential hazard associated with the work they are doing and can properly prepare for the work.

One way that you can prepare your workplace to meet this worker's right is by conducting a job hazard analysis. A job hazard analysis is performed by employers, supervisors, workers, and committees. It is a systematic process of measuring the potential risk within a hazard before it causes injury to a worker or damage to property. When conducting a job hazard analysis (JHA), hazards are broken down into five categories (these hazards may be physical, musculoskeletal, chemical/mineral, biological, or psychological) that can cause harm or have adverse health effects.

The Right to Participate

As you are aware, workplace safety and health committees must be in effect for all workplaces with 20+ employees. Smaller organizations, with 19 or fewer employees are required to have a workplace safety and health representative ([MB Workplace Safety & Health Act, Section 40](#)). The right to participate means that workers have the right to be involved in these roles. It also means that those workers filling those roles must be given time to fulfill their committee/representative roles. Committee members & representatives also have the right to report health and safety concerns, as well as make suggestions to the employer on how to improve workplace safety.



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The Right to Refuse

Looking at the right to refuse through the lens of safety, it means is that a worker “believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person.” ([MB Workplace Safety and Health Act, Section 43](#)). A good safety and health program will ensure that workers are well-trained and informed, and health and safety committees & representatives in place will address health and safety concerns. This means that workers are less likely to need to exercise their right to refuse. However, there will be times when a worker may have to exercise his or her right to refuse. This is not done lightly and involves several steps.

In the trucking industry, drivers conduct risk assessments at all times: do I have the hours to complete this trip safely? Is this load properly secured? Can I make it under the Kemnay Bridge? (the answer is usually no to the last one). If a driver identifies a risk, very often a solution can be reached (for example, assigning a driver with enough hours to the load assignment, re-working the load). Work refusal is the final step, after a risk assessment has been done and a safe way forward has not been found. To reach this step is a very serious issue at the workplace.

The Right to Protection From Reprisal (Manitoba)

For provincially regulated employers, note that in Manitoba workers have a fourth right: the right to protection from reprisal. What this means is that workers cannot be penalized for exercising their rights under the Manitoba Workplace Safety and Health Act. This is an important part of developing and maintain a strong health and safety culture. Workers must feel safe when voicing safety concerns or exercising health and safety concerns.

Do you need more information? RPM can help!

Please note RPM courses are offered to RPM registered companies only. Your company must be registered with RPM and be in the process of working towards certification or must have achieved the SAFE Work Manitoba Trucking Certificate of Recognition. Not yet registered in the RPM program? Today is a great day to get started!

Please contact RPM by emailing info@rpmsafety.ca or calling 204-632-6600, or by visiting our website www.rpmsafety.ca.

