

Workplace Health and Safety Rights for Manitoba Workers

Health and Safety Law

In Manitoba health and safety rights are guaranteed by the Workplace Safety and Health Act and the Canada Labour Code. This factsheet outlines the rights of workers protected by the Manitoba Workplace Safety and Health Act.

Most workers are protected by the Province's Workplace Safety and Health Act. Workers who are employed by the federal public service, federal crown corporations, or banking, transportation, communications, and grain industries are protected by the Canada Labour Code.

The health and safety rights provided by the Canada Labour Code are similar, but not exactly the same. Workers who are protected by the Canada Labour Code should contact Human Resources Development Canada or their union for information about their health and safety rights.

Workers' Health and Safety Rights

Right To Know

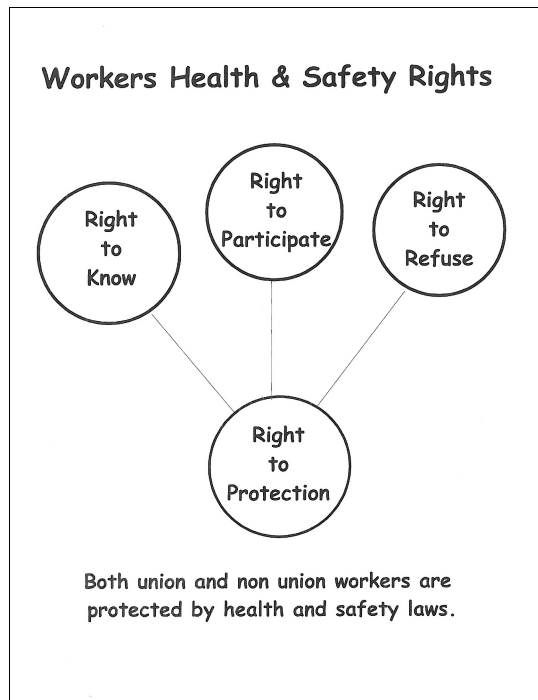
Workers have the right to know about the hazards in their workplace. Employers are required by law to inform and train workers about all the hazards of their job and how to work safely around these hazards.

Workers are also protected by the Workplace Hazardous Materials Information System (WHMIS). WHMIS requires employers to

- label containers of hazardous material
- provide a Material Safety Data Sheet (MSDS) with information about the hazardous material
- provide workers with information about the hazardous material and how to work safely with it

A Material Safety Data Sheet is written by a product manufacturer. It includes a list of the hazardous ingredients, health effects due to overexposure, and some

information on how workers can protect themselves. The MSDS must be provided by the manufacturer or supplier and be available to workers in their workplace.



Right To Participate

Workers have the right to participate in health and safety concerns in their workplace. Workers can bring their concerns to their workplace health and safety committee or a workplace safety and health representative.

Health and Safety Committees

Workplaces that employ 20 or more employees must set up a joint (employer/employee) health and safety committee. At least one half of the committee must be workers.

Committee Participation

Workers have the right to decide who should represent them on the committee. These workers' representatives can either be elected by coworkers or appointed

by the union. The names of the committee members must be posted prominently in the workplace.

Committee Duties

Joint health and safety committees must meet at least once every three months. Health and safety committees do workplace inspections, investigate accidents, participate in right to refuse inspections, and discuss health and safety concerns in their particular workplace.

Members of committees must receive time off from their regular duties to perform health and safety duties and should be paid for this time.

It is important that workers tell their worker representative about any health and safety issues that arise.

Committee Training

Employers must ensure committee members receive the training they need to perform their health and safety duties.

Employers must allow health and safety committee members to take 16 hours of health and safety training each year without loss of pay or benefits.

Workplace Safety and Health Representative

Workplaces that have five to 19 workers must have a workplace safety and health representative appointed by the union or elected by the workers. The representative must not be a member of management.

The name of the representative must be posted prominently in the workplace.

The workplace safety and health representative is responsible for the same duties as those of the health and safety committee.

Right To Refuse

Workers have the right to refuse to do a task when they have reasonable grounds to believe a task or condition of work may be dangerous to themselves or to a coworker or any other person.

There are **four steps** to follow to refuse unsafe work. A worker cannot be laid-off, suspended or penalized for refusing unsafe work if the proper procedure is followed.

Step 1 Report the concern and the refusal to work to the supervisor.

Step 2 If the employer does not correct the dangerous condition immediately, the employer and worker co-chairperson of the committee must immediately investigate the situation with the worker who refused work.

The worker has the right to continue to refuse to work even if the employer does not believe there is any danger or if the problem is not corrected to the worker's satisfaction.

The employer has the right to ask the worker to do other work.

The employer cannot ask another worker to do the task that has been refused unless they advise the worker in writing of the reason for the refusal, the right to refuse, and why the task does not represent a danger.

Step 3 If the dangerous condition is not corrected after the inspection, the worker, employer or the worker co-chairperson should call a safety and health officer at the Workplace Safety and Health Branch about the refusal to work and the reasons for it.

Step 4 The Safety and Health Officer will investigate the situation.

The Safety and Health Officer will write a report that directs the employer to correct the problem if the Officer thinks the job is dangerous.

If the Safety and Health Officer decides the work is safe, then the worker must return to work.

Right to Protection

Workers have the right to be protected when they exercise any of their other health and safety rights. Workers cannot be penalized in any way for exercising their rights. This includes refusing unsafe work, raising a health and safety concern, and receiving time off with pay to participate in a health and safety committee.

If a worker believes they have been penalized for exercising one of their rights, the worker can make a complaint to the Workplace Safety and Health Branch. A Safety and Health Officer will investigate the complaint. If the Officer determines the worker has been penalized for exercising one of their rights, the employer may be ordered to:

- stop the discriminatory action
- reinstate the worker to his or her former position
- pay lost wages and benefits
- remove any reprimand or other reference to the matter from the worker's employment record
- pay a fine from \$1,000 - \$3,000

Appeals

The worker or employer has 14 days to appeal the decision after receiving the Safety and Health Officer's decision.

For more information

Workplace Safety and Health Branch
Call 204-957-SAFE (7233) or 1-855-957-SAFE.

Regional Offices

Winnipeg
200-401 York Ave
Winnipeg, MB
R3C 0P8

Brandon
340 9th St.
Brandon, MB
R7A 6C2

Flin Flon
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Flin Flon, MB
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Thompson
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