

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. Most workers are under provincial authority and are protected by the Workplace Safety and Health Act.

Workers who are employed by the federal public service, federal crown corporations, or the banking, transportation, communications, and grain industries are under federal authority. They are covered by the Canada Labour Code.

This factsheet outlines the rights of workers protected by the Manitoba Workplace Safety and Health Act. 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.

Three Health and Safety Rights

1. 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.

Workers in Manitoba have three health and safety rights guaranteed to them by law.

- the Right to Know
- the Right to Participate
- the Right to Refuse

Both union and non-union workers are protected by health and safety legislation.

2. Right To Participate

Workers have the right to participate in health and safety concerns in their workplace. Workers exercise their right to participate through the joint 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 co-workers 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. It is important that workers tell their worker representative about any health and safety issues that arise.

Committee Training

Employers must allow health and safety committee members to take two days of educational leave for health and safety training each year without loss of pay or benefits.

Workplace Safety and Health Representative Appeals

Workplaces that have 10 - 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.

3. Right To Refuse

Workers have the right to refuse to do a job when they have reasonable grounds to believe that a task or condition of work may be dangerous to themselves or to a co-worker 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 job that has been refused unless

- that worker is told about the refusal by the refusing worker or a workplace safety and health officer, and
- that worker is told why the job was refused

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 Division about the refusal to work and the reasons for it.

Step 4 The Safety and Health Officer will investigate the situation with the worker, the employer, and the worker co-chairperson of the committee present.

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.

The worker or employer has 14 days after receiving the written or verbal decision to appeal the decision.

Resources

There are many resources available to you in Manitoba. They can provide information, advice and printed material on a wide range of health and safety issues.

Talk to your health and safety representative about health and safety in your workplace.

For more information

MFL Occupational Health Centre

102-275 Broadway
Winnipeg, Manitoba R3C 4M6
Toll Free: 1-888-843-1229
Ph: (204) 949-0811
Fax: (204) 956-0848
Email: mflohc@mflohc.mb.ca
Website: www.mflohc.mb.ca

Workplace Safety and Health Division Regional Offices

Winnipeg

200-401 York Ave
Winnipeg, MB R3C 0P8
Ph: (204) 945-3446
Toll Free 1-800-282-8069

Brandon

340 9th St.
Brandon, MB R7A 6C2
Ph: (204) 726-6744

Stonewall

336 Main St.
Box 1249
Stonewall, MB R0C 2Z0
Ph: (204) 467-4790

Beausejour

639 Park Ave.
Box 50
Beausejour, MB
R0E 0C0
Ph: (204) 268-6044

Flin Flon

202-143 Main Street
Flin Flon, MB
R8A 1K2
Ph: (204) 687-1624

Snow Lake

Box 520
Snow Lake, MB
R0B 1M0
Ph: (204) 358-2392

Thompson

59 Elizabeth Drive
Thompson, MB
R8N 1X4
Ph: (204) 677-6820

Human Resources Development Canada - Labour Program

2nd Floor, 391 York Avenue
Winnipeg, Mb R3C 0P8
Ph: (204) 983-6375

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