

# Worker's Rights & Responsibilities

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# What are the employer's responsibilities?

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- Ensuring the health, safety and welfare of workers.
- Ensuring workers are aware of their rights and duties under the law and are aware of any health and safety issues.
- Providing competent supervisors, training workers, and preventing violence and harassment.
- Ensuring public safety at or in the vicinity of work sites.
- Working with the joint work site health and safety committee or health and safety representative.



# The manager or supervisor must:

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- Make sure workers work in compliance with OH&S acts and regulations.
- Make sure that workers use prescribed protective equipment devices.
- Advise workers of potential and actual hazards.
- Provide workers with written instructions as to the measures and procedures to be taken for protection of the worker.
- Take every reasonable precaution in the circumstances for the protection of workers.

Managers and supervisors act on behalf of the employer, and hence have the responsibility to meet the duties of the employer as specified in the Act for the work they (the managers and supervisors) direct.



# Employees responsibilities include the following:

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What are your responsibilities?

- Work in compliance with OH&S acts and regulations.
- Use personal protective equipment and clothing as directed by the employer.
- Report workplace hazards and dangers to the supervisor or employer.
- Work in a safe manner as required by the employer and use the prescribed safety equipment.
- Tell the supervisor or employer about any missing or defective equipment or protective device that may be dangerous.



# Fundamental Rights of Workers

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What are your rights as a worker?

- The Right to Know
- Right to Participate
- Obligation to Refuse



# Right to Know

Employees/contractors have the right to know about worksite hazards and hazardous conditions.

The employer must assess a worksite and identify existing and potential hazards of the work or working conditions, before work begins at the worksite , prior to the construction of a new worksite or the change to a worksite



# Right to Participate

- Employees have the right take an active role in safety within their workplace.
- Employees play an important role in fulfilling the right to participate in identifying, assessing and controlling work site hazards.



# Obligation to Refuse

- One of the basic principles of any safety program and the OH&S Act is the right of all workers to refuse work which presents an imminent danger to the worker.
- Any task which a worker believes can cause injury to him/her or to fellow workers, and that has not had the hazards of this task properly address, can be refused.



# *General practice for refusing work of imminent danger*

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- Examine the hazards of the situation. Look for existing controls which can be applied to remove the hazard risk to the employee and allow the work to be completed safely
- Inform the supervisor or site safety of the new controls. Have the supervisor review the task with the worker and ensure the hazards have been controlled and the work is safe to conduct
- If an existing control cannot be applied to remove the hazard, the worker should Inform the supervisor of conditions and reasons why work is of imminent danger and suggest solutions
- Await supervisor's instructions



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- Under no circumstances is anyone to perform work that has been refused unless the hazards have been addressed.
  - The worker refusing work is required to fill out a hazard identification form and turn it in to his/her supervisor. The supervisor will complete the form with the controls implement to address the identified hazard.
  - A supervisor or employer receiving a report must immediately investigate the matter and ensure that any unsafe condition is remedied without delay.



# AB OHS Response

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Alberta OHS legislation does not address vaccination specifically; therefore, there is no OHS legislative requirement for employers to require workers to be vaccinated to be able to attend their workplace. However, individual employers may be able to require their employees to be immunized as part of their company policy or as a required precondition of employment.

Employers should consider seeking legal advice on issues of human rights, labour and employment law, privacy, health information, and OHS law before asking for proof of vaccination, or implementing mandatory vaccine requirements at a workplace. Workers who cannot be vaccinated for medical or religious reasons are protected under the *Alberta Human Rights Act*. More information can be found at [www.albertahumanrights.ab.ca/covid/Pages/vaccines.aspx](http://www.albertahumanrights.ab.ca/covid/Pages/vaccines.aspx).

Under Alberta's occupational health and safety (OHS) legislation, a worker may refuse to work or to do particular work at a work site if the worker believes on reasonable grounds there is a dangerous condition at the work site or that the work constitutes a danger to the worker's health and safety or to the health and safety of others. If the employer is meeting the controls required by public health direction and other recommended controls for COVID-19, the dangerous condition has been addressed and there is no right to refuse the work under OHS legislation.

\*\*\*Mandating vaccination can be one of the controls implemented by an employer to protect the health and safety of the workers at their work site from the hazards presented by COVID-19. Vaccination is considered safe and cannot be a reason for work refusal, unless the worker has a health condition for which vaccination may create a hazard (e.g. allergic reactions). There is information available on the safety of COVID-19 vaccines and their ingredients, such as here: [www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html](http://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/drugs-vaccines-treatments/vaccines.html).



# Understanding Bullying & Harassment



# New Legislation

Every employer shall ensure, as far as it is reasonably practicable for the employer to do so,

(c) that none of the employer's workers are subjected to or participate in harassment or violence at the work site



# What is Workplace Harassment & Violence





# What is Workplace Harassment & Violence

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- Physical assault or aggression.
- Unsolicited and unwelcome conduct, comments, gestures or contact which causes offense or humiliation.
- Bullying or actions because of race, religious beliefs, color, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and a sexual solicitation or advance
- Physical harm to any individual which creates fear or mistrust, or which compromises and/or devalues the individual.
- Exclusion or isolation of individuals.
- Intimidation, cyber bullying, displaying or circulating offensive pictures or materials in print or electronic form.
- Deliberately setting the individual up to fail, intentionally withholding information or giving the wrong information.
- Taking away work or responsibility without cause.



## So what isn't harassment?

- Reasonable actions taken by an employer or supervisor while managing and directing workers are not considered harassment.
- Reasonable actions considered to be part of a manager's or supervisor's work functions include changing work assignments, scheduling, assessing and evaluating work performance, inspecting workplaces, implementing health and safety measures, and taking disciplinary action such as dismissing, suspending, demoting, or reprimanding with just cause. Done reasonably and fairly, these actions should not be considered to be workplace harassment.



Why is it  
important ?

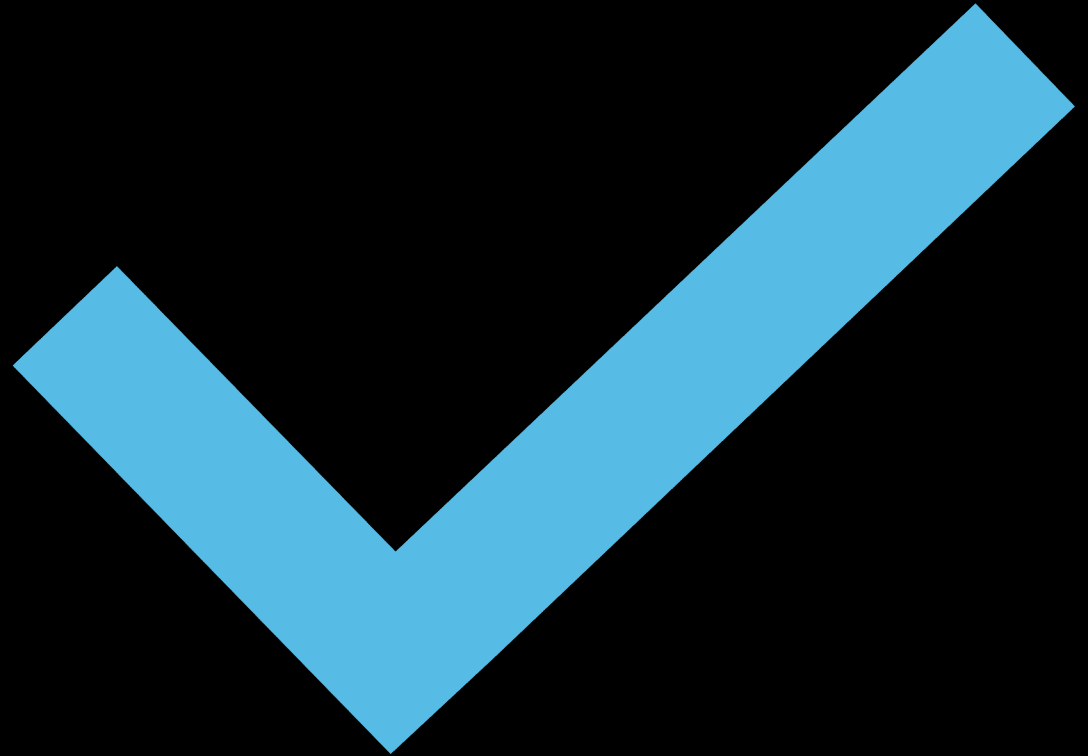




# Responsibilities

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- The OHS Act states that **employers** must, as far as reasonably practicable, ensure their workers are not subject to or participate in harassment or violence at the work site. **Supervisors** must, as far as reasonably practicable, ensure workers under the supervisor's supervision are not subject to harassment or violence at work site. Workers also have responsibilities. **Workers** must refrain from causing or participating in harassment or violence.





# Investigation Process



# Procedure to Formal Reporting

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- It is imperative that the alleged offender immediately be made aware that the behavior or conduct is offensive to the victim and be given the opportunity to stop such behavior.
- The victim will be required to report the behavior or conduct to their immediate supervisor or their Human Resources department.
- The person designated as the reporting contact should not be under the direct control of the alleged harasser
- The person designated as the reporting contact should not be the alleged harasser of the worker



# I CARE CARD

**Fill out this form to report potential hazards or events of objectionable or unwelcome conduct, comments, threats, bullying, physical and psychological harm**

**Date****Time****Observer****Location****Abuser****Witness****Description of Event****Potential Result****Was the hazard corrected****Yes**☐**No**☐**Describe How it was corrected****Describe required followup**



## ***Harassment, Bullying, Coercion, Duress, Over reaching, force is:***

Unsolicited and unwelcome conduct, comments, gestures or contact which causes offense or humiliation.

Bullying or actions because of race, religious beliefs, colour, physical disability, mental disability, medical choices, age, ancestry, place of origin, marital status, source of income, family status, gender, gender identity, gender expression and sexual orientation, and a sexual solicitation or advance

Physical harm to any individual which creates fear or mistrust, or which compromises and/or devalues the individual.

Exclusion, segregation or isolation of individuals.

Intimidation, cyber bullying, displaying, or circulating offensive pictures or materials in print or electronic form.

Deliberately setting the individual up to fail, intentionally withholding information or giving the wrong information.

Taking away work or responsibility without cause.

**These events must be reported, investigated and corrected immediately**

Children have already been exposed to unprecedented amounts of fear, instability, shaming, psychological trauma, and segregation through the COVID-19 measures and are therefore even more susceptible to being influenced by those in authority than their developmental stage would usually entail. Schools include vaccine and COVID-19 "vaccine" curriculum, which is biased, prejudicial, and is a form of undue influence on any minor child. The curriculum excludes full disclosure of the growing risks (adverse reactions and death) of the experimental treatments, and the emerging evidence that the shots do not provide protection, as claimed. Informed consent with FULL disclosure is mandatory and yet, due to lack of research data, "full" disclosure cannot be provided.



# Investigating and reporting incidents

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Employers must:

- investigate any incident of harassment or violence
- take action to address the incident
- prevent it from happening again
- prepare an investigation report outlining the circumstances of the incident and the corrective action
- Employers must retain the investigation report for at least 2 years after the incident, keep it readily available and provide a copy to Alberta OHS on request.

# Incident Report Security/ Workplace Violence /Harassment/ Violation

Incident Date:	Location:	Customer:
Employee Name:		Time of Incident(24 hr):
Supervisor:		Report Date:

**Check All (✓) Applicable Boxes**

INJURY		VEHICLE		PROPERTY/OTHER	
Lost Time	<b>To be filled</b>	Preventable		Equipment damage	
Medical Aid	<b>out by</b>	Non-preventable		Property Damage	
First Aid	<b>Management</b>	Travelling to/from work		Fire	
PSI	<b>ONLY</b>	Personal Use		Social Media	
Physiological		3 <sup>rd</sup> Party Involvement		Violation	
Violence		Employee fined/charged		Substance Related	
Harassment/ Bullying		Secure		Other (describe):	
A&D Test: <input type="checkbox"/> Yes <input type="checkbox"/> No			Reported to Police: <input type="checkbox"/> Yes <input type="checkbox"/> No		

### Description of events resulting in incident




Hazard Assessment				
Hazards	Risk	Control	Risk	Responsible

Potential Consequences					Probability	
Severity	Illness/Injury	Property Damage	Environmental Impact	Public Image/reputation	Factor	Cycle = 3 year period
<i>Catastrophic</i>	Death as a direct result	Greater then \$25 000 impact	Major Spill or release over 25 m <sup>3</sup>	Government intervention	<i>Frequent</i>	Likely to occur repeatedly during cycle
<i>Critical</i>	Permanent impairment and or severe injury/illness e.g. LTI	Between \$5000 and \$25000 impact	Spill over 2.0 m <sup>3</sup> or any refined product	Customer/Owner intervention	<i>Probable</i>	Likely to occur several times in during cycle
<i>Marginal</i>	Serious injury that results in an MW or MA	Between \$500 and \$5000 impact	Spill less then 2.0 m <sup>3</sup>	Community or local attention	<i>Occasional</i>	Likely to occur once during cycle
<i>Negligible</i>	Minor Injury/Illness e.g. FA	Less then \$ 500 impact	Under 100 litres	Individual attention	<i>Remote</i>	Not likely to occur during cycle but possible
					<i>Improbable</i>	Can't be distinguished from zero

RISK LEVELS UNACCEPTABLE HIGH RISK >H UNDESIREABLE MODERATE RISK >M ACCEPTABLE LOW RISK <L

#### ASSESSMENT MATRIX

→PROBABILITY→	Frequent	Probable	Occasional	Remote	Improbable
↓ SEVERITY ↓	Work may not proceed until final risk is in the green				
<i>Catastrophic</i>	H	H	H	M	L
<i>Critical</i>	H	H	M	L	L
<i>Marginal</i>	M	M	L	L	L
<i>Negligible</i>	L	L	L	L	L



# Occupational Health & Safety Legislation in relation to Workplace Violence and Harassment Canada

- BC - <https://www.worksafebc.com/en/health-safety/hazards-exposures/bullying-harassment>
- AB - <https://www.alberta.ca/workplace-harassment-violence.aspx>
- SK - <https://www.saskatchewan.ca/business/safety-in-the-workplace/hazards-and-prevention/bullying-and-harassment-in-the-workplace>
- MB- <https://www.gov.mb.ca/csc/policyman/respect.html>
- ON- <https://www.labour.gov.on.ca/english/hs/topics/workplaceviolence.php>
- QB- <https://www.cnesst.gouv.qc.ca/sites/default/files/documents/labour-standards-quebec.pdf>
- NB – <https://www.worksafenb.ca/safety-topics/workplace-violence-and-harassment/>
- NS- <https://novascotia.ca/psc/employeeCentre/respectfulWorkplace/rwpolicy.asp>
- PEI- <https://www.cfib-fcei.ca/en/tools-resources/health-safety/workplace-violence-harassment-pei>
- NFL- <https://workplacenl.ca/employers/health-and-safety/workplace-violence/>
- YK - <https://www.wcb.yk.ca/web-0044/resources/web-0051>
- NWT - <https://nwthumanrights.ca/your-rights/harassment/>
- USA - <https://www.osha.gov/workplace-violence>
- Canadian Centre for Occupational Health & Safety- [https://www.ccohs.ca/oshanswers/psychosocial/violence\\_legislation.html](https://www.ccohs.ca/oshanswers/psychosocial/violence_legislation.html)