

Three Rights of a Worker:

Most employers are aware that their employees have basic rights when at the workplace – but what are those rights?

Workers in Saskatchewan have three basic rights, and they are:

1. “The Right to Know”
2. “The Right to Participate”
3. and “The Right to Refuse”

For work to succeed, an employer will need to respect their legal obligation in regards to these rights. The key questions to ask are – how do employers empower their employees to exercise their rights? And when can an employee exercise those rights?

Right to Know:

Workers are faced with hazards in the construction industry on a daily basis. Some are clearly visible while others may require further information. The “Right to Know” means that your employees have the right to know the hazards and risks associated with the task to be completed. The worker needs to be provided with the information, instructions, education, training, and supervision necessary to protect their health and safety.

The information required to share can come in the form of product labels, safety data sheets, safe work procedures, or codes of practice. The instruction can be verbal or in writing, done by a supervisor or other competent employee, or provided by a third-party vendor. This is so long as the training meets the needs of the employee and the task at hand.

The “Right to Know” can also include how an employer communicates with employees. This can include instructions in a different language, Braille, large print, audiotapes, sign language, or oral communication.



Photo from: <https://www.worksafesask.ca/know-your-rights-at-work-employers/>

Right to Participate:

If an employer is making any changes to current health and safety operations, with either modifications or the creation of processes, their employee has a right to provide input. An employee can participate in the OHC of your business (if an OHC is required) or act as a representative if given the opportunity. They can report any concerns found to the employer as well as offer any suggestions or recommendations, using their expertise, to make their workplace safer.

Right to Refuse:

If you ask your employees, “What are your three rights?”, they will likely answer, “The right to Refuse!” but few will know what that right truly entails. The “Right to Refuse” is just the beginning of the sentence – the full phrase is the “Right to Refuse Unusually Dangerous Work”.

Would it be unusually dangerous for a Roofer to work at heights? No, working at heights is a part of their daily operations. Would it be unusually dangerous for a residential framer to use a pneumatic nail gun? No, as a Framer, you will rely on this tool daily. One thing in common between these two scenarios is that at one point, the employee was trained on how to do the task. The roofer likely received the proper training to work at heights before they started work. The framer was also, likely instructed by a supervisor on how to use the nail gun safely.

If an employee chooses to exercise their “Right to Refuse” they must make their Supervisor and their OHC aware of the issue. If the issue is agreed upon then actions need to be taken to rectify the issue. This could be in the form of training or retraining, a revamp of procedures or any other recommendations found during the investigation. An employer can reassign work as needed to ensure work is being completed in the interim. Employers can also assign another worker to the task, but they will have to explain to the new worker why the previous worker turned it down.

Better understanding your employee's rights can ensure you maintain a healthy and safe working environment for all of your employees as well as meeting and maintaining your legislative responsibilities. Work must be done, but it cannot infringe on the Three Rights of your worker.

Tool Box Talk

When accidents and incidents happen on the jobsite, we are always quick to point the finger at lack of training, not following practices or procedures, or even improper supervision. The idea that the hazards and dangers associated with the job were not properly communicated to all of the workers is often missed.

Tool Box Talks can go by many names, and although formats may vary, these meetings all serve one purpose: to inform employees and contract workers. Tool Box Talks are short, informal, meetings between management and the workers on a jobsite. The goal of these meetings is to reinforce current safe job procedures, inform workers of new and/or relevant procedures, review recent safety violations/incidents, and ensure workers are up-to-date on the information required to complete their work safely.

Always use a Tool Box Talk form to record the meeting topic, date, who was in attendance, and any follow-up actions to be taken. Not only do these forms help with consistency of record keeping, but they also ensure that nothing is missed. At the end of the meeting have management sign off on the form.

One of the most important aspects of a Tool Box Talk is giving workers an opportunity to voice their concerns and ask questions. All employees have a right to participate in health and safety as it relates to their work and it is the supervisor or manager's responsibility to create an environment for them to do so. Once the meeting is over, and the form is filled out, it should be filed with other documented Tool Box Talks.

Remember that Tool Box Talks are short and informal, they are not meant to be intimidating. Use the opportunity to have fun and stay on top of what is necessary to keep safety culture a strong part of the business.

For a full listing of Tool Box Talk topics, visit: www.scsaonline.ca/resources/tool-box-talks

For a copy of the Tool Box Talk form, visit: www.scsaonline.ca/pdf/Tool_Box_Meeting.pdf

About the Saskatchewan Construction Safety Association

The Saskatchewan Construction Safety Association (SCSA) is an industry-funded, membership-based, nonprofit organization that provides cost-effective, accessible safety training and advice to employers and employees in the construction industry throughout the province to reduce the human and financial losses associated with injuries. Registered March 20, 1995, the SCSA is, and has been since inception, committed to injury prevention. Serving almost 10,000 member companies with business offices in both Regina and Saskatoon, the major business units of the association are Advisory Services, Business Development, Corporate Services, Program Services and Training. The mission of the SCSA is constructing safety leadership in Saskatchewan and the vision is to create the safest construction environment in Canada.