

# Tool Box Talk

## *The 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:

1. The Right to Know
2. The Right to Participate
3. The Right to Refuse

For work to succeed, an employer needs to respect their legal obligation regarding these rights. 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 face daily hazards in the construction industry. Some are clearly visible while others require further information.

The "Right to Know" means that 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 job procedures and safe work practices.

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.



For more info, visit: [www.worksafesask.ca/know-your-rights-at-work-employers/](http://www.worksafesask.ca/know-your-rights-at-work-employers/)

### Right to Participate

If an employer makes 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 occupational health committee (OHC) of your business (if an OHC is required) or act as a representative. They can report any concerns to the employer, offer any suggestions or recommendations and use their expertise to make the workplace safer.

### Right to Refuse

If you ask 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 rely on this tool daily.

Common to these two scenarios is that 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 the safe use of the nail gun.

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 in writing to the replacement worker why the previous worker turned it down.

A better understanding of employees' rights ensures you maintain a healthy and safe working environment for all of your employees, as well as meeting and maintaining legislative responsibilities. Work must be done, but it cannot infringe on the three rights of a worker.