
Workplace Health and Safety Rights

All workers in British Columbia are protected by the *Workers' Compensation Act*. This legislation says employers must provide their workers with safe workplace, adequate training and supervision, and properly maintained and functioning safety equipment. Workers also have the right to refuse work if they believe the task or conditions are unsafe.

Workers have the right to:

- Receive information, instruction, and training about safe work procedures and how to recognize hazards on the job
- Be supervised to make sure they work without creating undue risk
- Be outfitted with equipment and safety gear required to do the job safely (workers are responsible for providing: their own clothing to protect themselves against the natural elements, general purpose work gloves, safety footwear, and safety headgear)
- Refuse to do tasks and to work in conditions they think are unsafe, without being fired or disciplined for refusing
- Participate in workplace health and safety committees and activities.

The *Workers Compensation Act* also protects workers from disciplinary action for reporting a safety or other work-related problem. Concerns can be reported anonymously to the Prevention Information Line at 604-276-3100 in the Lower Mainland or toll-free at 1-888-621-SAFE (7233) from elsewhere in the province.

Keeping new workers safe is a shared responsibility. Employers, unions, co-workers, parents, educators, youth, the community, and WorkSafeBC all have a part to play.

Take Action: What Can You Do?

New workers need to work safely and without undue risk to themselves or others. To keep safe on the job, they can:

- Ask to be trained about safe work procedures and how to recognize on-the-job hazards.
- Follow safe procedures and encourage others to do so.
- Know their workplace health and safety rights and responsibilities.
- Ask questions if they are uncertain about anything.
- Get involved and support young worker health and safety programs.

Young Workers—Facts and Figures

British Columbia has more than 250,000 young workers ranging in age from 15 to 24.

Workers are at the greatest risk of getting injured during their first six months on the job.

There were 612 serious young worker injuries between 1999 and 2003. The most common injuries were:

- Amputations (45%)
- Serious fractures (19%)
- Third-degree burns (9%)

The top seven dangers for new and young workers in British Columbia are:

- Lifting objects as retail clerks, shipper-receivers, labourers, or material handlers
- Working on ladders, stairs, scaffolding, or other raised areas
- Using knives in food service, retail sales, or supermarkets
- Working with hot substances or equipment in restaurants
- Driving or riding in vehicles and operating or working near mobile equipment
- Operating food slicers in restaurants or supermarkets
- Working near running equipment or machinery in a variety of jobs

In the Food and Beverage industry, one of the most common types of workplaces for new workers, the most common types of accident claims are:

Struck by object	24%
Falls on the same level	18%
Burns and scalds	16%
Overexertion	14%
Strike against object	8%
Other bodily motion	5%
Falls from elevation	4%
Repetitive motion	2%
Violence, force	1%
Other	8%

Rights and Responsibilities for Employers, Supervisors, and Workers

Workers, supervisors, and employers all have specific rights and responsibilities in the workplace. It is important to know these rights and responsibilities.

Employers have the responsibility to

- Ensure the health and safety of the employer's workers and other workers present at the workplace.
- Establish occupational health and safety policies and an Occupational Health and Safety program.
- Provide general direction to management, supervisors, and workers about their responsibilities and roles in providing a safe and healthy workplace.
- Provide specific direction and delegate authority to those responsible for health and safety.
- Consult and cooperate with individuals carrying out occupational health and safety duties (including joint committee members, worker health and safety representatives, and Workers Compensation Board prevention officers).
- Provide workers with the information, instruction, training, and supervision necessary to protect their health and safety.
- Provide supervisors with the support and training necessary to carry out their health and safety responsibilities.
- Provide and maintain protective equipment, devices, and clothing, and ensure that they are used.

Supervisors have the responsibility to

- Ensure the health and safety of all workers under their direct supervision.
- Know the WorkSafeBC requirements that apply to the work being supervised and ensure that they are followed.
- Ensure that workers under their supervision are made aware of all known or reasonably foreseeable health and safety hazards where they work.
- Consult and cooperate with joint committee members or worker health and safety representatives, and cooperate with others carrying out occupational health and safety duties (including WorkSafeBC prevention officers).
- Ensure that the appropriate personal protective equipment and clothing are available, properly worn when required, and properly inspected and maintained.
- Investigate unsafe conditions reported to them and ensure that corrective action is taken without delay.

(A supervisor is defined in the Occupational Health and Safety Regulation as "a person who instructs, directs and controls workers in the performance of their duties.")

Workers have the responsibility to

- Cooperate with the joint committee or worker health and safety representative, WorkSafeBC prevention officers, and any other person carrying out occupational health and safety duties.
- Learn and follow safe work procedures.
- Be alert to hazards, and report hazards or problems to the supervisor or employer.
- Use the protective clothing, devices, and equipment provided.
- Perform work in a safe manner. Do not engage in horseplay or work while impaired by alcohol, drugs, or other causes.
- Refuse to do work that they have reasonable cause to believe would create an undue hazard to the health and safety of any person.
- Immediately report an unsafe situation to their supervisor or employer.

Worker and Supervisor Rights

Workers and supervisors have similar rights. They have the right to:

- A safe working environment
- Proper health and safety information, instruction, and training
- Well-maintained and functioning personal protective equipment
- Refuse unsafe work
- Not to be discriminated against for exercising any right or in carrying out health and safety responsibilities
- Participate in workplace health and safety committees and activities

Employer Rights

An employer can expect workers to:

- Pay attention during health and safety training
- Remember their training and follow health and safety principles at all times
- Report any perceived hazards in the workplace
- Wear their personal protective equipment at all times
- Inform them about any physical or mental conditions that may impair their ability to perform their jobs safely

Refusing Unsafe Work

According to the Workers' Compensation Board Occupational Health and Safety (OHS) Regulation:

1. A person must not carry out or cause to be carried out any work process or operate or cause to be operated any tool, appliance or equipment if that person has reasonable cause to believe that to do so would create an undue hazard to the health and safety of any person.
2. A worker who refuses to carry out a work process or operate a tool, appliance or equipment pursuant to subsection (1) must immediately report the circumstances of the unsafe condition to his or her supervisor or employer.
3. A supervisor or employer receiving a report made under subsection (2) must immediately investigate the matter and
 - Ensure that any unsafe condition is remedied without delay, or
 - If in his or her opinion the report is not valid, must so inform the person who made the report.
4. If the procedure under the OHS Regulation does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, the supervisor or employer must investigate the matter in the presence of the worker who made the report and in the presence of:
 - A worker member of the occupational health and safety committee,
 - A worker who is selected by a trade union representing the worker, or

- If there is no occupational health and safety committee or the worker is not represented by a trade union, any other reasonably available worker selected by the worker.

5. If the investigator under the OHS Regulations does not resolve the matter and the worker continues to refuse to carry out the work process or operate the tool, appliance or equipment, both the supervisor or the employer, and the worker must immediately notify an officer, who must investigate the matter without undue delay and issue whatever orders are deemed necessary.

You have the right to refuse work if you (a) have reasonable cause and (b) follow all procedures in OHS Regulation. If you refuse to do work you consider unsafe, you must follow the steps below:

1. You must discuss the situation with your supervisor or employer.
2. If the matter is not resolved, then a worker representative must be involved.
3. If the matter is still unresolved, a WorkSafeBC field officer is called in by both worker and management representatives.
4. While the matter is being resolved, you will be temporarily reassigned to another job.

If you feel you must refuse work, be sure to follow the procedures in the regulations and any other policies that the employer may have. Don't just stop work and go home! If you don't follow the procedures, you may be subject to disciplinary action by your employer.