



**ALBERTA WORKERS'  
HEALTH CENTRE**



Is your workplace  
safe and healthy?  
Do you know your  
rights in the  
workplace?

**WE CAN HELP**



# WORKPLACE HEALTH AND SAFETY AND COVID-19

Health and Safety prevention principles

Occupational Health and Safety Law

Employer and Worker Responsibilities

Workers' Rights - Right to Refuse Dangerous Work

Resources

True as of June 17, 2020. For information purposes only. Not intended as legal advice.

## SARS-CoV 2 CORONAVIRUS / COVID-19

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- New with lots of unknowns
- Highly infectious
- Has caused mild to severe illnesses, and death
- Currently no vaccine
  
- Many workers are concerned about returning to work

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## SARS-CoV 2 CORONAVIRUS / COVID-19

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- is a known workplace hazard
- is a known high risk for workers
- workers continue to have the right to safe and healthy workplaces
- hazards must be properly controlled to protect workers

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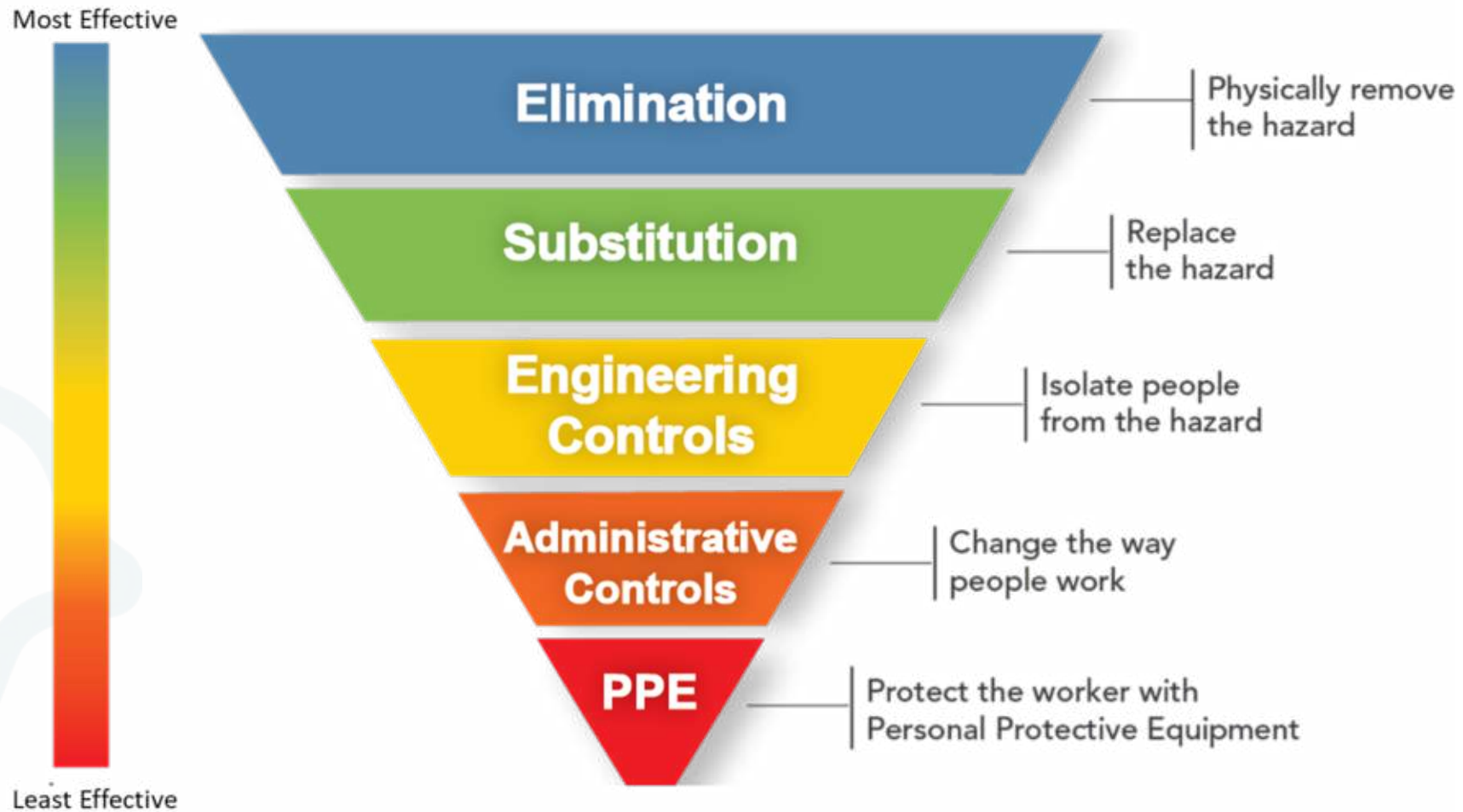
## PRECAUTIONARY PRINCIPLE

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- Err on the side of caution
- Instead of waiting for proof that something is dangerous, ***presume it is dangerous*** until it is ***proven to be safe***

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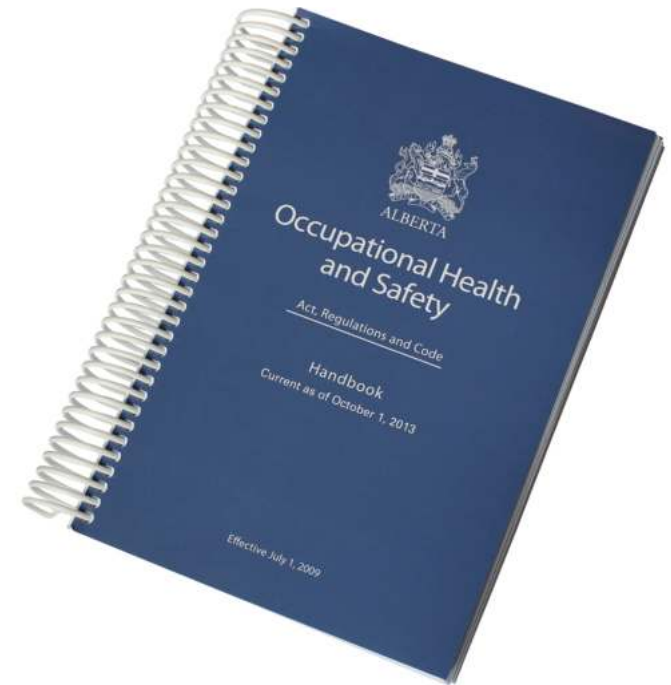
# HIERARCHY OF CONTROL MEASURES



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# OCCUPATIONAL HEALTH AND SAFETY (OHS) LAW

- **Purpose:** to prevent work site incidents, injuries, illnesses and diseases
- Most workers in Alberta are covered by Provincial Legislation under the **Alberta OHS Act, Regulations and Code**
- Some workers are covered by Federal Legislation under the **Canada Labour Code Part II**



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**O H S**  
**INTERNAL RESPONSIBILITY SYSTEM**

**Employer  
Commitment**

**Worker  
Participation**

**Government  
Enforcement**

The pillars that are necessary for the internal responsibility system to work

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## OBLIGATIONS of EMPLOYERS, WORKERS and GOVERNMENT

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**Employers:** responsible for ensuring the health and safety of workers and others at the work site.

**Workers:** responsible for following the health and safety rules and reporting health and safety concerns.

**Government:** responsible for administering and enforcing the law.

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# The

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## Health and Safety

# Rights

**Right to Know**

**Right to Participate**

**Right to Refuse Dangerous Work**

**Right to be Free From Reprisal**

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## WORKER RIGHTS: RIGHT TO KNOW

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- Workers have the right to know about hazards and how they are protected from those hazards
- Workers must have access to basic health and safety information in the workplace
- Workers must have access to a written **Hazard Assessment** including controls for COVID

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## WORKER RIGHTS: RIGHT TO PARTICIPATE

Right to meaningful participation:

- Express health and safety concerns
- Participate in **Health and Safety Committees** or as **HS Representative**
- Be involved in **Hazard Assessment, Elimination and Control**, including COVID

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## WORKER RIGHTS: RIGHT TO REFUSE DANGEROUS WORK

Workers have the **Right to Refuse** work that they have reasonable grounds to believe is **dangerous** to themselves or others.

**AB OHS Act S.31**

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# WORKER RIGHTS: RIGHT TO REFUSE DANGEROUS WORK

Situations that could trigger a work refusal could include:

- A danger that is not addressed by normal hazard controls
- A danger that would normally stop work
- A situation for which you are not properly trained, equipped, or experienced

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## WORK REFUSAL PROCESS:

(Alberta)

1. Worker reports to supervisor (or employer or other designated person)
2. If supervisor does not fix the danger immediately then they must **inspect the danger** with the worker **and** either:
  - a. the HSC worker co-chair or member that represents workers, or
  - b. the HS Rep, or
  - c. another worker selected by the worker if (a) and (b) are not possible.

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[www.workershealthcentre.ca](http://www.workershealthcentre.ca)

3. Supervisor **must take action** to fix the danger
4. Supervisor **must write a report** of the work refusal, inspection, and actions taken, and must **provide a copy** to worker, HSC and/or HS Rep
5. If no resolution:
  - a. **Keep refusing**, and
  - b. **Contact OHS**

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The worker who refused or any person present during the work refusal inspection may **file a complaint** with an officer.

### OHS Contact Centre

1-866-415-8690 (Alberta)

780-415-8690 (Edm)



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### Assigning another worker

If the employer determines it is safe to do so, they may assign another worker to do the work, but they must advise that worker in writing, of:

- a) The first worker's refusal,
- b) The reason for the refusal,
- c) The reason why, in the opinion of the employer, the work does not constitute a danger
- d) That worker's right to refuse dangerous work

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# RIGHT TO BE FREE FROM REPRISAL

(Alberta)

- Workers have the ability to work without being subject to discriminatory action for exercising any of their health and safety rights.
- A worker who refuses dangerous work is protected from any discriminatory action.
- If you feel you have been subject to a discriminatory action, you can file a **Discriminatory Action Complaint** with an OHS officer.



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# OCCUPATIONAL HEALTH AND SAFETY CONTACT CENTRE

## OHS Contact Centre

1-866-415-8690 (Alberta)

780-415-8690 (Edmonton)

- Information, concerns, complaints
- Can be anonymous

**ANYONE can refer a Health and Safety concern directly to an Officer at Any Time**



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## **WORK REFUSAL PROCESS: (FEDERAL - Canada Labour Code Part II, s.128)**

1. Worker refuses and notifies employer.
2. Employer investigates in the presence of the worker, and employer writes report. If worker is satisfied, they return to work.
3. If the worker is not satisfied, they notify the employer and the HSC/HS Rep. HSC/HS Rep investigates in presence of worker and provides a report to the employer. The employer can provide additional information to the HSC/HS Rep.

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### 4. The employer then decides whether:

- Danger exists – employer takes corrective action and notifies HSC/HS Rep
- Danger exists – but the refusal is not permitted as it puts lives, or the health or safety of another person directly in danger; or the danger is a normal condition of employment
- Danger does not exist
- Employer provides a written decision to the worker

### 5. If no resolution:

- **Keep refusing**
- Employer notifies the Minister of Labour and the HSC/HS Rep

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## **MORE SOURCES OF WORKER HEALTH & SAFETY PROTECTION**

- **Health and Safety Committee / Health and Safety Representative**
- **Unionized Workplaces:**
  - Collective Bargaining Agreement (may have additional H&S protection)
  - Union Representative (steward, labour relations officer, etc.)
- **Criminal Code of Canada**
  - “Westray Law” (investigations / charges for criminal negligence for failing to ensure the health and safety of workers)
- **Worker Advocacy**
  - Need for workers and advocates to participate in Health and Safety both inside and outside the workplace

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## **ONLINE SURVEY - Please share widely!**

Occupational Health Clinics for Ontario Workers (OHCOW) has launched a [Survey of Workers' Experiences during a Pandemic](#) to recognize and capture the impact working during the COVID-19 pandemic is having on workers.

This will help OHCOW, the AWHC and others to better understand the pandemic's impact, associated hazards and most importantly, possible prevention strategies.

**Ensure that Alberta voices are captured in the data!**

[https://www.surveymonkey.com/r/worker\\_survey](https://www.surveymonkey.com/r/worker_survey)

A separate specific [survey for healthcare workers](#) can be found here:

[https://www.surveymonkey.com/r/Pandemic Survey](https://www.surveymonkey.com/r/Pandemic_Survey)

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# OCCUPATIONAL HEALTH AND SAFETY RESOURCES

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- [Canadian Centre for Occupational Health and Safety \(CCOHS\)](#)
- [Alberta Occupational Health and Safety](#)
- [Alberta Health Services](#)
- [Public Health Agency of Canada](#)
- Your union
- District Labour Councils, [Alberta Federation of Labour](#), [Canadian Labour Congress](#)
- Alberta Workers' Health Centre – [www.workershealthcentre.ca](http://www.workershealthcentre.ca)

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