

>> TOOLBOX TALK- Workers Rights

Explain dangers:

Employers have the right to determine and control the work, so long as everything is legal. Workers, however, have the power to protect their health and safety.

Identify Controls:

The Newfoundland and Labrador OHS Act spells out the three rights that give workers this power: the right to know; the right to participate; and the right to refuse.

Right to know:

Workers have the right to know about workplace health and safety hazards.

The NL Occupational Health and Safety Act says that employers must, where it is reasonably practicable, provide the information, instruction, training and supervision and facilities that are necessary to ensure the health, safety and welfare of his or her workers; and ensure that his or her workers, and particularly his or her supervisors, are made familiar with health or safety hazards that may be met by them in the workplace.

WHMIS 2015, the Workplace Hazardous Materials Information System, is one example of the right to know. WHMIS 2015 is a world-wide system designed to protect workers by providing information about hazardous materials on the job. WHMIS 2015 has three main parts:

- labels;
- safety data sheets (SDSs); and
- worker education and training.

Right to participate:

Workers have the right to make recommendations about workplace health and safety.

Employers must recognize this right to participate. The best way to prevent accidents and reduce health hazards is to involve people from all levels within an organization. To ensure participation in the workplace, health and safety legislation requires the establishment of an OHS committee/WHS representative/designate.

A worker has the right to participate in hazard assessments, workplace inspections, toolbox meetings, and any other safety-related initiatives.



OHS Committees/WHS Representatives/Designates have the right to make recommendations to employers about health and safety improvements. Employers must reply in writing within 30 days.

Ask your crew: “Who are the members of the OHS Committee/WHS Representative/Designate on this project?”

Right to refuse:

Workers have the right to refuse work if they believe it endangers their health and safety.

The NL Occupational Health and Safety Act sets out specific procedures in a three-stage process.

Workers can refuse based on their subjective belief that the work is dangerous to his/her health and safety, or the health and safety of another person. He/she must first inform the supervisor or employer.

Once a supervisor has investigated, the worker may still have reasonable grounds for believing that the work is dangerous. In this case, he/she may continue to refuse work and the Worker Health and Safety (WHS) Representative, WHS Designate, or the OHS Committee will investigate the matter.

Once the committee has investigated, if the worker still believes that the work is dangerous, he/she can continue to refuse work and an OHS officer from ServiceNL will investigate the matter and advise the worker when/if to return to work.

Demonstrate:

Ask your crew. What rights do construction workers have on the job?

Complete and attach Toolbox Meeting Form and process as per company policy.

Content adapted for NLCSA, with permission, from toolbox talk by the Infrastructure Health & Safety Association (IHSA).

TOOLBOX MEETING FORM

Date: _____ Project: _____

Supervisor: _____ No. in Crew: _____ No. Attending: _____

Review Last Meeting:

	Names of Attendees (Signature Required)
Topics Discussed (policies, practices, procedures, hazard assessment):	
Suggestions Offered:	
Action(s) to be Taken:	
Injuries/Accidents Reviewed:	

Supervisor's Remarks: _____

Signature: _____