

Got a health and safety problem? Here's what you can do...

1. Declare the hazard using a health and safety report. In all Canadian jurisdictions, the respective occupational health and safety act state that it is the primary duty of the employer to provide workers with a safe workplace. Employers must make the reporting form available and easily accessible to members.

An important note: no job is worth dying over. In all jurisdictions, workers have the legal right to refuse to perform a task that they feel will cause harm to themselves or others. If you feel the task is too dangerous, tell your supervisor that "you are refusing to do the task because you feel it is too dangerous." This will set into motion a series of steps that will lead to the hazard being eliminated or mitigated and an investigation with your local health and safety representative undertaken.

For more information on the right to refuse unsafe work, consult your respective Provincial Health and Safety website.

2. Make sure your co-workers, your union health and safety committee, and your local executive know about the hazard. It is the law that your employer must tell all employees about the hazards of the workplace, however not all do. To help protect each other, tell co-workers, especially those who will be potentially exposed to the hazard.

3. Make sure your joint health and safety committee knows about the problem. All hazards should be reported to members of your JH&S committee or health and safety representative, but this is a particularly important step if your employer does not take action to fix the hazard. A well-functioning committee will address problems brought to its attention, as well as to conduct regular health and safety inspections to make sure that working conditions are safe. Minutes of these meetings should be posted online in a location where all employees can consult them for progress. If you have questions on a follow-up from these minutes, contact your joint health and safety committee to get an answer in writing.

4. What if the hazard has not been eliminated or been sufficiently mitigated? You can contact your Guild representative after following the IRS (internal responsibility system) prescribed in each Provincial and Federal Act. The Act prescribes for a worker to first submit a report to the joint H&S committee and be provided with a response. The committee is mandated to investigate the report, recommend a remedy, and respond in writing to the member. Progress can be monitored through the posted H&S minutes. If you do not know where to consult the minutes, contact the joint H&S committee or your hr department. Minutes should detail action being taken on a reported hazard.

If after allowing sufficient time for the committee to investigate and act upon the report the hazard is still present or has not been sufficiently mitigated, you can contact a Guild representative providing a copy of:

- 1-the initial report made to the H&S committee
- 2-the copy of the minutes treating the hazard and any correspondence obtained from the committee or the employer.

Upon analysis, a grievance and/or a complaint to the OSH Provincial division may be recommended. Your Guild representative will guide you through the next steps.

Here are some useful tips regarding Covid-19 as well as common workplace health and safety procedures.

The employee and employer obligations regarding Covid are relatively the same in each Provincial jurisdiction. We invite you to verify the guidelines on the occupational health and safety website of your respective Province but as a general point of reference here is the Ontario link:

<https://www.ontario.ca/page/covid-19-occupational-health-safety-act#section-1>

Members also have the right to refuse unsafe work: the following workplace parties must be aware of the procedure that must be followed for a work refusal:

- employers
- supervisors
- workers
- members of the joint health and safety committee (JHSC)

Learn more about the right to refuse work in your respective Province by consulting the occupational health and safety website.

If a member believes a section of the Act has not been followed or that a breach occurred, a complaint may be filed by the member directly to the Provincial OSH division. We recommend members consult their Guild staff representative if after submitting a health and safety report a receipt of a negative response is obtained.

If a member wishes to file a complaint to the Provincial OSH division, please take note certain steps may need to be previously followed. The Provincial OSH inspector will, in the majority of cases, first want to know that health and safety reports have been filed and dealt with as part of the IRS (internal responsibility system) through the OSH committee. When unresolved (and there is a lack of response / or inadequate resolve detailed in committee meeting minutes) they may step in when called. We cannot stress enough the importance to follow the legally prescribed process.

The same process described above applies when filing a grievance regarding an OSH matter. As a general rule, affected members should always file an H&S report to record any injury or occupational exposure as it is part of the employee's obligation to report hazards in the workplace.

To contact your respective Provincial OSH Division for inquiries or complaints:

Ontario

<https://www.ontario.ca/page/filing-workplace-health-and-safety-complaint>

BC

<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/complaint-process>

Manitoba

https://www.gov.mb.ca/labour/safety/rep_serious_act.html

Alberta

<https://www.alberta.ca/file-complaint-online.aspx>

Quebec

<https://www.ccq.org/en/loi-r20/signalement-non-conformite>

New Brunswick

<https://www.worksafenb.ca/safety-excellence-nb/expanded-ohs-inspection-services/>

Newfoundland

<https://www.gov.nl.ca/dgsnl/department/branches/divisions/ohs/>

Nova Scotia

<https://novascotia.ca/workplace-and-technical-safety/>