

This factsheet has been prepared for general information purposes. It is not a legal document. Please refer to the *Workers Compensation Act* and the *Rehabilitation Services and Claims Manual, Volumes I and II* for purposes of interpretation and application of the law.

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OCCUPATIONAL HEALTH AND SAFETY: KNOW YOUR RIGHTS AND RESPONSIBILITIES

Workers have rights and responsibilities to protect their health and safety in the workplace. These protections are set out in:

- Part 2 of the *Workers Compensation Act*,
- the *Occupational Health and Safety Regulation* (especially Part 3), and
- WorkSafeBC's Occupational Health and Safety Policies.

In general, workers have the right to a safe workplace and the responsibility to report unsafe working conditions. Employers have the responsibility to ensure a safe workplace and to fix any unsafe conditions within a reasonable amount of time.

If workers and employers cannot agree on health and safety concerns, then WorkSafeBC can get involved, and make rulings and orders as to what is required.

Here are some key workers' rights and responsibilities.

1. Unsafe work

As a worker, you have an obligation to report unsafe work or unsafe conditions in your workplace. You may report these conditions to:

- Your employer or a representative of your employer,
- Your union, and / or
- WorkSafeBC.

You also have the right to refuse unsafe work. If you believe that you are being asked to perform a task that is unsafe, you may refuse to perform it. You must immediately report this refusal to a supervisor or an employer.

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Once you have reported your refusal of unsafe work, an employer must:

- Investigate,
- Fix any unsafe conditions without delay, and
- Inform you if they come to the conclusion that the refused work is actually safe.

If this doesn't settle the matter, your employer must investigate again in the presence of a worker representative who is:

- A member of the joint health and safety committee at your place of employment;
- Another worker selected by your union to be present for the employer's investigation; or
- Any other reasonably available worker selected by you.

If this still doesn't settle the matter, both you and the employer must immediately notify a WorkSafeBC officer. The officer must then investigate as soon as possible, and make whatever orders they deem necessary.

2. Bullying and harassment

Your employer must have policies and procedures to prevent bullying and harassment in the workplace. You are entitled to be informed of these rules and procedures, including how to report instances of bullying and harassment.

Your employer must investigate all reports of bullying and harassment, and take measures to stop any bullying and harassing behaviours occurring in the workplace. If you are not satisfied with the steps taken by your employer to address instances of bullying and harassment in the workplace, you can report this to WorkSafeBC.

Also, you have the duty to avoid harassing others in the workplace, and the duty to report any harassment you witness to your employer or to WorkSafeBC.

3. Raising health and safety concerns in the workplace

You have the right and duty to raise health and safety concerns. You can report your concerns to your employer, your union, your coworkers, and/or to WorkSafeBC.

Your employer must not retaliate against you, or threaten to retaliate against you, for refusing unsafe work or for raising health and safety concerns. Such retaliation is known as a "prohibited action," and includes:

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- Suspension, lay-off, or dismissal;
- Demotion or loss of the opportunity for a promotion;
- Change of duties or workplace;
- Reduction in wages or work hours;
- Coercion or intimidation;
- Disciplinary action, reprimand or other penalty against you; and
- Discontinuation of your job or position.

If you believe that your employer has taken prohibited action against you, you can seek to have this corrected by your union through the grievance process, or by making a complaint to WorkSafeBC, but not both.

For more information, please see our factsheet titled “Prohibited Actions Relating to Occupational Health and Safety.”

4. Participation in an occupational health and safety committee

You have the right to participate in occupational health and safety meetings without financial penalty. Your employer cannot withhold, deduct, or fail to pay you wages for time spent in occupational health and safety meetings. If they do, you can seek to have this corrected by your union through the grievance process, or by making a complaint to WorkSafeBC, but not both.

For more information, please see our factsheet entitled “Prohibited Actions Relating to Occupational Health and Safety.”

5. Taking reasonable care

You are required to take reasonable care to protect your own health and safety, and the health and safety of others in the workplace. This includes:

- Following safety rules and procedures;
- Using or wearing protective equipment, devices, and clothing;
- Refraining from horseplay or other unsafe behaviour in the workplace;
- Avoiding impairment due to alcohol, drugs, medications, or other causes;
- Reporting unsafe work conditions;
- Cooperating with your joint occupational health and safety; and
- Cooperating with WorkSafeBC investigations.