



COUNTY OF NORTHERN LIGHTS

POLICY

FUNDAMENTAL WORKER'S RIGHTS

CREATED: 2/9/2025

REVISED:

TOTAL PAGES: 3

All employers are required to protect the health and safety of all parties at their work sites. All workers, regardless of number, also have health and safety rights and obligations. To protect workers from illnesses, injuries and diseases, workers are afforded three fundamental rights. Those rights are:

- the right to know (about hazards),
- the right to refuse (unsafe work), and
- the right to participate (in health and safety).

Right to Know

Workers have the right to know about workplace hazards and to have access to health and safety information at the work site. The employer must share information about hazards at the work site, controls used to eliminate or control the hazards, and any relevant work practices and procedures with the HSC or HSR (as applicable). Where there is no HSC or HSR, the employer must provide this information directly to affected workers.

Access to current occupational health and safety legislation at work is part of a worker's right to know. It is the employer's responsibility to ensure access.

Every employer shall keep readily available all health and safety information and provide that information to:

- the joint work site health and safety committee or HSR at the work site,
- the workers, if there is no joint work site health and safety committee or HSR, and
- the prime contractor if there is one

Every employer shall ensure that current paper or downloaded or stored electronic copies of this Act, the regulations and the OHS code are readily available for reference by workers, the joint work site health and safety committee and the health and safety representative, if one exists.

Right to Participate

Workers have the right to meaningful participation in health and safety activities related to their work and the work site. All employers must involve affected workers when assessing hazards at the workplace, implementing control measures, and developing an emergency response plan. HSCs or HSRs provide additional opportunities for worker participation in health and safety discussions and decision-making that affects their health and safety at work. Workers must be able to express health and safety concerns without fear of punishment.

An employer must involve affected workers in the hazard assessment and in the control or elimination of the hazards identified. Workers are responsible for taking reasonable care to protect their own health and safety, and the health and safety of other workers at the work site, as well as the health and safety of other persons at or in the vicinity of the work site while the worker is working.

Right to Refuse Dangerous Work:

Workers have the right to refuse to do work they believe presents a dangerous condition to their health and safety or the health and safety of others at the work site. Since workers must do everything they reasonably can to protect the health, safety and welfare of themselves and others at the work site, workers may have an obligation to refuse dangerous work.

Health and safety hazards that are not normal for the job, or normal hazards that are not properly controlled are considered dangerous conditions that could trigger a work refusal.



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UNSAFE WORK REFUSALS

- When refusing dangerous work, workers must report the refusal and the reason for it to their employer (supervisor) promptly.
- The worker who refused to do dangerous work may be assigned other work until the refusal to do dangerous work is investigated and resolved.
- If the employer determines the work does not present a danger to health and safety, they can assign other workers to do the work but they must advise the workers (in writing) that a worker refused the work as dangerous, the reasons for the refusal, their own right to refuse the work and why it is not or is no longer a danger.
- Workers cannot be punished in any way for refusing to do work they reasonably believe to be dangerous.
- The employer has an obligation to investigate and take action to eliminate the danger
- unless they remedy the dangerous condition immediately.
- The employer must conduct the inspection in the presence of the worker who refused
- the work if it is safe to do so. In addition, the employer must involve one of the following:
 - an HSC co-chair or member representing workers
 - an HS representative
 - another worker selected by the worker refusing to do the work (if there is no HSC or HSR, or if they are unavailable).
- Upon completion of the inspection, the employer must prepare a written report that includes the worker's refusal notification, the results of the investigation and the actions they took to remedy the situation.
- The employer must share the written report with the worker who refused the work and the
- HSC or the HSR (as applicable). This report must not contain any personal information related to the worker who refused to do the work.
- The employer must continue to pay the worker's wages and benefits while they investigate the work refusal.

DUE DILIGENCE

The primary goal of the company in understanding and showing due diligence in implementing the SMS is to ensure workers do everything they can to reasonably foresee and identify health and safety hazards arising from activities engaged in and to take reasonable care to prevent a harmful event from occurring. Being fully diligent with safety is not only essential for the human elements, it is also essential for the business elements. Organizations that are diligent with safety and have good safety records tend to be well organized and successful with the business elements as well.

When it comes to worker safety, workers must understand their roles and responsibilities clearly and, in doing so, understand what it means to show due diligence in executing those roles and responsibilities. Diligence in all aspects of work in the organization will solidify a culture of safety for all workers.

Due diligence means, that one must be able to show in a measured and objective way that they have taken all reasonable precautions to protect the health and safety of workers, even to the point of exceeding generally accepted practices.

In the event of an incident where there was non-compliance with the Act, Regulation, or Code, a penalty sanction (administrative monetary penalty) can be administered against an employer. As with any organization, all workers must do everything possible to limit any liability that may stem from prosecutions or administrative penalties.



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Summary of Key Points in Establishing Due Diligence

- Know and understand this program and your specific responsibilities described within it.
- Implement the program and abide by its expectations.
- Communicate, provide input, and work to improve the program.
- Document your efforts, meeting minutes, pre-work meetings, 'tail box' safety meetings, on the job training, reporting of hazards, reporting of incidents and close calls.

NOTE:

A defense of due diligence can only be established by using the actions taken prior to the incident/infraction. This must be real proof – appropriate documented records.

Chief Elected Official

Chief Administrative Officer