

How to handle challenging issues in workplace safety and health and workers compensation

As you present and teach this material, students may have questions that are difficult to answer. For example, they may ask about specific safety issues they have encountered in their workplaces, or relay stories about friends or co-workers who have refused unsafe work and then faced reprisals from co-workers or an employer. Students may worry about being fired for refusing unsafe work or for reporting safety issues in the workplace. They may ask if their jobs will be protected if they are injured or refuse to do work they feel to be unsafe.

While specific sections of *The Workplace Safety and Health Act* and *The Workers Compensation Act and Regulations* deal with these issues, there is sometimes a disconnect between what should be done according to the legislation and what actually occurs.

When questions arise, one approach is to engage students in a discussion or role-playing exercise about the challenges and decisions to be considered with respect to refusing unsafe work, reporting hazards, or reporting an injury or illness.

Refusing unsafe work

With a few specific exceptions (e.g., police, firefighters), all workers can refuse work if they **believe** they might be in danger. Workers must follow a set procedure to refuse unsafe work, and this procedure is available on the SAFE Manitoba website at: safemanitoba.com/bulletin-193. An employer is not allowed to fire, discipline, suspend or penalize workers who have obeyed the law (or threaten to do any of these things). If workers feel they have been unfairly disciplined, they can report their concern to Workplace Safety and Health.

Reporting hazards

Workers can also report work hazards they see in the workplace. In fact, they have a duty to report hazards such as broken equipment, safety problems or violations of *The Workplace Safety and Health Act* to their employer or supervisor.

Workers can discuss concerns about the safety of their job with their supervisor, worker joint committee member, or safety and health representative at their workplace. In workplaces with more than 10 workers, there should be, by law, a workplace safety and health representative. In workplaces with 20 or more workers, there should be a workplace safety and health committee that includes worker representatives.

Workers should be encouraged to document any correspondence with their supervisor or employer about their work environment. This information may be useful if problems arise in future.

If workers demonstrate some knowledge of workplace safety and health laws, it can sometimes lead an employer or supervisor to take positive action. For example, if a worker asks who the workplace safety and health representative is or who are the members of the workplace safety and health committee, this might encourage an employer to respond more actively to safety concerns.

Reporting an injury or illness

All workers who are employed by workplaces covered under *The Workers Compensation Act* can report injuries or illnesses that involve healthcare and/or time off work to the Workers Compensation Board of Manitoba (WCB). It is important that workers know that, even if an employer has not taken out WCB coverage when it should have, an injured or ill worker is still covered under *The Workers Compensation Act*. If a worker goes to a hospital or another healthcare provider, he or she should make sure that healthcare administrators know that the injury is work-related.

Dealing with a workplace injury outside of the workers compensation system is not a good idea. It is always best to report a workplace injury to the WCB.

The consequences of an injury are not always evident at first, or an injury may reoccur after a worker returns to work. In these cases, if the injury or illness was not first reported to the WCB, the worker may have a harder time claiming benefits for the later injury and will have to explain to the WCB why he or she failed to make a claim when the injury first occurred.

Essential tips for workshop leaders

- Be honest and respectful, and validate participants' concerns. Acknowledge that speaking up about unsafe work conditions or reporting an injury or illness can be difficult.
- Discuss what can be done in the event that a worker is fired without cause or subject to other reprisals, such as loss of overtime hours.
 - Emphasize the importance of keeping detailed records of conversations and events (with dates).
 - Point participants to groups and organizations that can help them understand their rights (see resource section in this package).
 - Provide information about wage replacement alternatives (e.g., Employment Insurance, social assistance).

- Remind students that an unreported work injury can affect their future. For example, if a worker does not recover from an injury or the injury gets worse over time, this may prevent the worker from doing future work.
- Acknowledge when you do not have the answers. The workers compensation system and *The Workplace Safety and Health Act* can be complicated. The resources listed in this package (including organizations and links to relevant legislation) can help learners get the information they need. Members of the public can also contact Workplace Safety and Health (WSH) Client Services at 204-945-6848 for help with interpretation of *The Workplace Safety and Health Act* and regulations.
- Consider asking an injured worker to come into your class/workshop to talk about his or her experiences, lessons learned and advice for others. An injured workers' group can help find a suitable individual.
- Finally, when talking with participants about refusing unsafe work or reporting unsafe work practices to WSH, remind them that workers are killed and/or seriously hurt on the job every day in Canada. Sometimes the fear of reprisal from an employer is well-founded, but workers need to be reminded of the importance of protecting their own lives and health.

This document does not constitute legal advice or formal training. To determine rights and obligations under *The Workplace Safety and Health Act* or *The Workers Compensation Act*, contact legal counsel or refer to the legislation at:

web2.gov.mb.ca/laws/statutes/ccsm/w210e.php (WSH), or web2.gov.mb.ca/laws/statutes/ccsm/w200e.php (WCB).

The original content for this toolkit was developed by the Institute for Work & Health (IWH) for settlement agencies and other teachers of newcomers to Ontario (Kosny A, Lifshen M, Smith P, Saunders R and Rhooms R. 2011).

The Institute for Work & Health is an independent, not-for-profit organization. The Institute's mission is to conduct and share research that protects and improves the health of working people and is valued by policy-makers, workers and workplaces, clinicians, and health & safety professionals. To learn about IWH visit iwh.on.ca.

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