

Information for newcomers to Manitoba about staying safe and healthy at work

Workers get hurt on the job every day. Both you and your employer (boss) have a role in making your job safe.

When you first come to Canada, you may not get a job in your field. You may end up in a job that you are not used to doing, or use tools or machines that you have never used before.

In Manitoba, the law that protects people at work is called *The Workplace Safety and Health Act (WSH Act)*. The *WSH Act* and its regulations help make workplaces safer, and give workers basic rights so that they can be safe at work.

Who is covered by the WSH Act

- The *WSH Act* covers workers in ALL workplaces in Manitoba, except workplaces under federal government control – such as post offices, airports, banks – which are protected by federal laws.
- Workplace Safety and Health makes sure that everyone obeys the *WSH Act*. It can inspect workplaces and order employers to make changes if there are problems in the workplace.

What are some examples of things that can cause you to get sick or injured at work?

Hazard or danger	➔	Possible injury
Working with new tools or machines	➔	cuts, loss of limbs
Lifting heavy things (e.g., boxes)	➔	back pain
Doing the same action over and over again	➔	back, arm or neck pain
Falling or slipping on a wet or dirty floor	➔	spraining or breaking an arm or a leg
Working with chemicals without gloves or a mask	➔	skin or breathing problems, allergic reaction

Duties of employers, supervisors and workers under the WSH Act

Employers, supervisors and workers each have their own specific duties in the workplace.

Your employer or supervisor must:

- give you the information, training and supervision that you need to protect your safety and health at work
- tell you about any dangers in the workplace, and take every reasonable precaution to protect you
- make sure that safe work procedures are in place and followed, and that tools, machinery and personal protective equipment are used properly
- ensure that safety equipment – both personal protective equipment and safety equipment on tools and machines – is in good condition
- co-operate and work with joint safety and health committees/representatives
- conduct a workplace safety and health orientation to help new workers become familiar with the workplace and the hazards to which they or others may be exposed.

As a worker, you must:

- use the safety equipment – both personal protective equipment and safety equipment on tools and machines – that your employer says to use
- tell your employer if you see any broken equipment or spot any safety problems
- ensure you do not use any equipment or machinery that could harm you or another worker
- act responsibly in the workplace
- report any violations of the *WSH Act* or its regulations to your employer.

Your legal rights under the *WSH Act*

The *WSH Act* gives workers four legal rights to help protect their safety and health.

1. The right to know about safety and health hazards on the job

Your employer must tell you about all known hazards in the workplace. This might include the types of work activities you do or potentially harmful materials or chemicals you use.

2. The right to participate in keeping the workplace safe and healthy

You have the right to help make your workplace safer by sharing your ideas or complaints about workplace safety and health with your employer or safety and health representative or committee. Every workplace in Manitoba that employs more than 10 people (but fewer than 20) must have a **safety and health representative**. If a workplace employs 20 or more workers, it must have a joint safety and health committee.

Safety and health representatives and committees inspect the workplace for unsafe conditions and tell the employer and workers about these conditions. Representatives are workers appointed by other workers; at least half the members of most joint safety and health committees are workers chosen by other workers. You should find out who your safety and health representatives and/or committee members are when you are hired into a workplace.

3. The right to refuse unsafe work

You can legally refuse to do work that you think might hurt you or another worker. This includes when you think the equipment or machines you are using are unsafe or are being used in a way that might hurt you or someone else, or when you feel that the physical conditions of the workplace are dangerous. Your boss does not have the right to fire you for refusing unsafe work. However, there is a specific way to refuse work so that you are protected by the *WSH Act*. See the SAFE Manitoba website for details: safemanitoba.com/bulletin-193.

4. The right to protection from discrimination

If you try to protect yourself or another worker from unsafe conditions, you cannot be disciplined or discriminated against as long as you believe you are acting in the best interest of safety and health.



Violence and harassment in the workplace

Everyone should be able to work without fear of violence or harassment, in a safe and healthy workplace. Violence and harassment in the workplace are not tolerated in Manitoba.

Workplace violence is when someone exercises or attempts to exercise physical force against a person or makes any threatening statement or behaviour that gives anyone reason to believe that physical force will be used against them.

Workplace harassment is when someone engages in inappropriate conduct – including comments, displays, actions or gestures – that is made on the basis of race, creed, religion, colour, sex, sexual orientation, gender-determined characteristics, marital status, family status, source of income, political belief, political association, political activity, disability, physical size or weight, age, nationality, ancestry or place of origin.

Harassment can also be referred to as “bullying,” which may involve severe, repeated conduct that adversely affects a worker’s psychological or physical wellbeing if it could reasonably cause a worker to be humiliated or intimidated, or a single occurrence, if it is shown to have a lasting, harmful effect on a worker.

Actions by an employer or supervisor that are part of normal work activities are not usually considered harassment. This is the case even if the actions result in unpleasant consequences for a worker. Examples of activities that would not normally be considered workplace harassment include work assignments, scheduling, job assessments, performance evaluations, workplace inspections, implementation of dress codes and disciplinary action.

Generally, differences of opinion and minor disagreements between co-workers would not be considered harassment.

All workplaces must have policies or programs to prevent violence and harassment. Your employer must tell you about these prevention policies and programs. This includes telling you about the process for reporting incidents of workplace violence and harassment, and how your employer will investigate and deal with incidents or complaints.

If you are facing violence or harassment at work, you should inform your employer, supervisor, safety and health representative or joint safety and health committee. If the problem cannot be solved internally (within your workplace), then you should call Workplace Safety and Health. See *Helpful resources* for contact information.

If you are in immediate danger or an emergency situation, you should contact the police.

For more information, including what is considered workplace violence or harassment under the *WSH Act*, see: safemanitoba.com/guideline-harassment and safemanitoba.com/guideline-violence.

Other important information

Tell your supervisor if you do not understand safety and health instructions or safety rules. If you cannot read rules and instructions on your own, have someone translate them for you. Ask your supervisor or co-workers for help if you are new to the job.

If your employer tries to punish you in any way for refusing work that you feel is unsafe – for example, by cutting your hours or firing you – then you can report this to Workplace Safety and Health (WSH). WSH can help, but note that these complaints can sometimes take considerable time to resolve.

All injuries at work should be reported to a supervisor. In Manitoba, reporting injuries is the law. See the fact sheet about workers compensation for more information.



Helpful resources

You should be aware of a number of organizations that address safety and health in the workplace:

Workplace Safety and Health is the government body to contact to report unsafe work practices, injuries or incidents, or if you have general workplace safety and health questions. Call 1-866-888-8186 or visit the website at safemanitoba.com.

The **Workers Compensation Board** can answer any compensation-related questions. It is also the body to contact to make a claim if you are injured at work. Call 1-855-954-4321 or 204-954-4100 in Winnipeg to make a claim. For all other inquiries, call 204-954-4321 in Winnipeg or 1-855-954-4321, or visit the website at: wcb.mb.ca.

Manitoba Federation of Labour Occupational Health Centre (MFL OHC) is a community health centre that helps workers, employers, and joint safety and health committees to improve workplace safety and health conditions and eliminate hazards. Call 204-949-0811 in Winnipeg, toll free at 1-888-843-1229 or email mflohc@mflohc.mb.ca.

Employment Standards can resolve disputes between employers and employees with regards to the rights and responsibilities of most employers and employees in Manitoba. Call the inquiry line at 204-945-3352 in Winnipeg or 1-800-821-4307, or visit the website at: gov.mb.ca/labour/standards.

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.

For more information, call 204-957-SAFE in Winnipeg or 1-855-957-SAFE outside Winnipeg.



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