

# COVID-19 GUIDANCE FOR WORKERS AS THEY RETURN TO THEIR JOBS

As you return to work, it's important to understand that your employer has a legal obligation to ensure that your work environment is safe and healthy.

**“Every employer shall ensure... the health and safety of... workers engaged in the work of that employer”**

[Section 3\(1\)\(a\)\(i\) of the Occupational Health and Safety Act](#)

In addition, as a worker, you have four key rights related to workplace health and safety. As with your employer's obligations, these rights are enshrined in Alberta's OHS Act.



## Four key workplace health and safety rights

### THE RIGHT TO KNOW

You have the right to know about hazards in your workplace, including hazards related to COVID-19. Your employer has a legal obligation to identify these hazards and make plans to address them. Your employer **MUST** develop a formal, written plan for dealing with COVID-19. Ask to see it – it's your right!

### THE RIGHT TO PARTICIPATE

You have the right to participate in efforts to keep your workplace safe. That means your employer has to listen to your concerns. Ask questions! Raise concerns! Make suggestions aimed at improving your workplace COVID-19 safety plan! Don't be afraid to speak out – it's your right!

### THE RIGHT TO REFUSE

You have the right to refuse work that you think might endanger your health and safety. This includes instances where you think your employer is not following the guidelines issued by public health authorities on things like physical distancing. If you want to exercise your “right to refuse,” follow the steps on page 2 of this document.

### THE RIGHT TO BE FREE FROM REPRISAL

It is illegal for your employer to fire, discipline or otherwise punish you for exercising your workplace health and safety rights. If this happens, call your union representative (if your workplace is unionized) or Alberta's Occupational Health and Safety Contact Centre at 1-866-415-8690 or 780-415-8690 (if you work at a non-union job).

## Grounds for invoking your “right to refuse”

Public health authorities have provided all Alberta employers with guidelines for stopping the spread of the coronavirus in the workplace. You would have grounds to issue a work refusal if any of these guidelines are not being followed.

## Is your employer doing these things? If not...complain!

Here's a list of some of things that public health officials say your employer should be doing to keep you safe. If these things are NOT being done, you should complain to your supervisor or consider invoking your right to refuse.

### YOUR EMPLOYER SHOULD:

- Develop a workplace-specific COVID-19 safety plan and make it available to workers and the public
- Enforce a distance of at least two meters between all workers and customers at all times
- Send workers home if they are exhibiting signs of sickness like coughs, runny nose, sore throat or fever
- Monitor and intervene with customers to ensure they're not putting workers at risk
- Properly clean and disinfect the workplace, especially high-traffic areas and high-touch surfaces like light switches and door knobs
- Make it easy for workers to wash their hands frequently
- Introduce "engineered controls" – like plexiglass barriers or other changes to the physical workspace – to facilitate physical distancing
- Introduce "administrative controls" – like restrictions on the number customers or staggered shifts – also to facilitate physical distancing
- Require employees to use appropriate masks – and encourage customers to do the same. But don't look at using mask as an excuse to not introduce engineered or administrative controls to guarantee physical distancing
- Make sure employees have the right masks – recognizing that surgical or cloth masks are not enough in many cases
- Make sure employees have proper training on all measures identified in the worksite COVID-19 safety plan
- Facilitate testing of ALL employees if any employee tests positive for COVID-19

## What information should I expect to see in my workplace about managing COVID-19?

### YOU SHOULD BE PROVIDED INFORMATION ON:

- Your workplace's COVID-19 safety plan
- A summary about COVID-19 symptoms and a reminder not to come to the workplace if you have them
- Occupancy limits on common areas (lunch rooms, washrooms, changing areas) and specific work areas to ensure appropriate physical distancing
- How specific tasks in your workplace have been changed to prevent the potential spread of COVID-19
- Hygiene (e.g., washing hands, coughing or sneezing into your sleeves)
- You should also expect to receive training related to COVID-19 safety measures

## Exercising your right to refuse

As discussed, workers have the right to refuse work if they have reasonable grounds to believe the work is unsafe or dangerous to themselves or others. Here are the steps to follow if you want to initiate a work refusal:

### STEP 1.

Inform your employer or supervisor that you are refusing unsafe work and explain why. Make it clear that your refusal is based on a workplace health and safety concern. It's always a good idea to document this step.

### STEP 2.

Your employer must immediately remove the danger or inspect the work with you and your health and safety representative (if available) or another worker of your choosing. The employer must also write a work refusal report and give you a copy.

### STEP 3.

You may be reassigned to do other work while the investigation is underway but you cannot lose pay during a unsafe work refusal or be fired.

### STEP 4.

If the work is not made safe, you can continue to refuse and call Alberta's Occupational Health and Safety Contact Centre – 1-866-415-8690, Edmonton – 780-415-8690. The contact centre is open 24/7, all calls are confidential, and they will take anonymous calls.

### STEP 5.

Another worker can be assigned to the work you refused but they have to be told about your refusal, the reason you refused, and why the employer thinks the work is safe. That worker also has the right to refuse unsafe work.

## SHARE YOUR STORY

In addition to talking to your employer about your COVID-related safety concerns and possibly exercising your right to refuse unsafe work, the Alberta Federation of Labour encourages you to tell your story about what's happening in your workplace. This can be done anonymously by visiting the website [returnsafe.ca](https://returnsafe.ca). It's important to share stories about what's happening in Alberta workplaces with the public and the media so that employers and governments feel pressure to follow and enforce the rules in order to keep people safe.