

Lesson 3: Rights and Responsibilities



Both employers and employees have rights and responsibilities. Some are set by law and others are common workplace protocols and expectations. The basic premise of all rights and responsibilities on the jobsite is that employers and employees to be treated fairly and treat others fairly. Some basic rights and responsibilities are listed in the following chart. You will explore some of these rights and responsibilities in more detail as you work through this lesson.

Employee Rights	Employee Responsibilities
<ul style="list-style-type: none">• to be paid fairly• to get fair treatment from the employer• to have a safe place to work• to receive adequate training for the job• to get feedback on job performance• to refuse to work in an unsafe situation or do unsafe work	<ul style="list-style-type: none">• to do the work for which one is paid• to treat the employer fairly and honestly• to work and act responsibly around any hazardous equipment and materials• to wear and use all safety clothing and equipment• to report dangerous working situations and environments to the employer

Employer Rights	Employer Responsibilities
<ul style="list-style-type: none"> • to receive work for the pay given • to be treated fairly by employees • to have employees work safely 	<ul style="list-style-type: none"> • to provide an equitable wage • to be fair and honest with employees • to provide training if the job involves being exposed to any hazardous materials • to provide a safe working environment and safety equipment as needed • to provide adequate guidance and feedback

Labour Legislation

The federal and provincial governments in Canada have legislated rights and responsibilities for employers and employees. The Canada Labour Code is the main legislation for Canadian businesses and workers. It is comprised of three sections:

- Part I: Industrial Relations, which deals with industrial relationships and collective bargaining.
- Part II: Occupational Health and Safety, which deals with workplace health and safety, promoting healthy and safe workplaces, and related issues.
- Part III: Labour Standards, which deals with minimum wages, hours of work, overtime, maximum hours, annual vacation, sick leave, maternity and parental leave, sexual harassment, and termination of employment.

There are comparable forms of Labour Codes and Employment Standards at the provincial levels.



Use the following keywords to locate information from the Internet on federal and provincial employment standards and human rights codes. There are also resources in libraries that provide this information. Your librarian will be happy to help you find the resources you need.

- Canada Labour Code
- Canada Labour Standards
- Federal Labour Legislation
- Employment Equity Act (1995)
- Workplace Equity
- Alberta Employment Standards

There are also numerous websites listed throughout your *Careers* textbook that relate to

- rights and responsibilities
- protection against harassment
- diversity programs
- employment equity programs
- protection against discrimination



1. Create a chart, such as the following one, to record information from two different websites that you select from the preceding list. Use the questions in the chart as a research guide.

Site Address	Questions About the Site	What I Learned
	What kind of information does this website provide?	
	Identify two employee rights that are protected.	
	Identify two employer rights that are protected.	
	What information is relevant to the occupations you are interested in?	

2. Review newspapers (hard copy or online). Find a news story in which either an employer or an employee broke labour regulations. Describe the rule that was broken. What was the outcome of the situation?

Compare your answers with the Suggested Responses at the end of the lesson.

Human Rights Codes

Canadian human rights laws stem from the Canadian Charter of Rights and Freedoms. These laws protect job applicants and employees from discrimination. Some laws are federal and cover all provinces and territories. You can check out the Canadian Human Rights Act at the following URL:

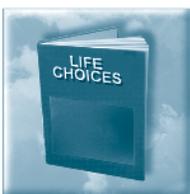
<http://laws.justice.gc.ca/en/H-6>

Some human rights laws are provincial. Because these laws vary from province to province, it is important to find out about the laws in your province, or in the province in which you plan to work. To find out about Alberta human rights laws, visit the Alberta Human Rights Commission at the following URL:

<http://www.albertahumanrights.ab.ca/>

In Canada, protection against employment discrimination usually includes protection against discrimination based on race, ethnic origin, religion, gender, age, marital status, sexual orientation, and physical capability. An example of an exception is the right of an employer to ask about the ability to lift heavy objects if lifting is a requirement for the job.

Forms of discrimination that are punishable under the law include actions such as insults, taunts, telling or showing inappropriate jokes, posting inappropriate written materials, persistent harassment, or offering or preventing promotions or salary increase is based on a person's gender, race, ethnic origin, religion, marital status, sexual orientation, or physical capability. Unfortunately harassment and discrimination based on these factors do occur. Human rights legislation provides a means of recourse for individuals who have been harassed or have experienced discrimination.



Learn more about gender inequality in the workplace by reading the following articles in *Careers*.

- “FAQ: Pay Equity” on page 69 provides a brief description of pay equity as equal pay for work of equal value.
- “Women Break into the Trades” on pages 44 and 45 gives examples of women in non-traditional technical occupations. A comparison of similar abilities in traditionally male and female jobs is given.

Sexual Harassment

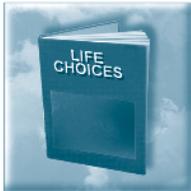
The Canada Labour Code defines sexual harassment as any conduct, comment, gesture, or contact of a sexual nature that is likely to cause offence or humiliation to any employee or that might, on reasonable grounds, be perceived by that employee as placing a sexual condition on employment or on any opportunity for training or promotion. This means that every person has a right to be free from



- sexual advances made by a person who is in the position to give or deny a promotion or benefit to the employee, and
- threats or reprisals when sexual advances from such a person are rejected

Basically, sexual harassment is abuse of power. Some harassment is very direct—the giving or withholding of benefits or promotions based on the rejection of sexual advances. Some harassment is more indirect—creating a “poisonous” work environment—and includes leering, teasing, insulting, and sexual remarks and jokes.

Every employee is entitled to work without sexual harassment. Provincial Human Rights Acts prohibit sexual harassment in the workplace.



To understand more about harassment in the workplace, read “Harassment” on pages 25 and 26 of *Careers*. This article provides an explanation of both personal harassment and sexual harassment on the job.

3. Suppose that you and one of your co-workers are being harassed on the job. Your supervisor makes negative comments and jokes about your race. The comments are hurtful and embarrassing. Outline a step-by-step plan that you will take to end the harassment.

Compare your answers with the Suggested Responses at the end of the lesson.

¹ Judith Campbell, *Lifechoices: Careers Teacher Resource* (Scarborough: Prentice Hall Ginn Canada, 1999), 131. Reprinted with permission by Pearson Canada.

Health and Safety on the Job

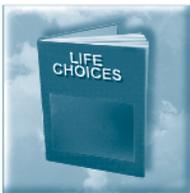
Safety on the job is the joint responsibility of employers and employees. The employer must provide a safe worksite, the necessary safety equipment, and safety training. Sometimes, workers are asked to provide their own safety clothing and small equipment, but the employer must ensure a safe, well-ventilated, adequately lit workspace.

The employer must establish safety procedures for doing the job and must review them with the employees. These obligations are particularly relevant for occupations that involve the use of dangerous substances, equipment, and vehicles. All workplaces must have emergency response procedures in place in case of fire or some other disaster.



The employee must also take responsibility for safety. He or she must use the required safety clothing and equipment and take any safety training made available. An employee's safety responsibilities also include arriving at work well rested. On the job, or prior to the job, employees must not consume alcohol or illegal or prescription drugs that can affect judgment, vision, or motor skills. The employee must report unsafe situations or working conditions and is entitled to refuse to work in a hazardous situation.

Each province is responsible for the health and safety of its workers. Alberta has two key pieces of health and safety legislation. The Occupational Health and Safety Act sets health and safety standards and safety practices in the workplace. The Worker's Compensation Act compensates and rehabilitates injured workers and works with employers to ensure safety standards. The Canada Labour Code provides legislation for health and safety at the federal level.



To learn more about the importance of a healthy workplace, read the following articles in *Careers*.

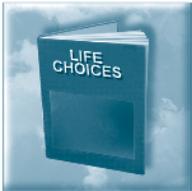
- “10 Questions to Ask Your Employer” on page 45 addresses safety questions on the workplace.
- “Dangerous Substances in the Workplace” on pages 26 and 27 explains the WHMIS (Workplace Hazardous Materials Information System) and N.F.P.A. 704 Code, which can be used on a Materials Safety Data Sheet that identifies controlled substances.
- “Ergo-Naughty Habits” on pages 94 to 97 provides instructions for setting up a computer work station.

4. Make a list of resources that provide information about workplace safety rules and regulations in Alberta and safety issues. Explain the type of information each resource provides.

Compare your answers with the Suggested Responses at the end of the lesson.

Job Stress

Job stress, another health and safety issue, can have a great impact on an employee, both personally and professionally. Productivity can fall drastically and the employer may take measures to remedy the situation, which can create even more stress for the employee. The skills to handle job stress are as important as other skills needed by a worker. They are the same skills needed to handle other stresses in a person's life.



For some suggestions on how to handle job stress before it becomes burn-out, read "FAQ: Job Stress and Job Burn-Out" on page 72 of *Careers*.

Go to page 18 of Assignment Booklet 3B and respond to question 4 of Section 4.

Looking Back; Looking Ahead

In this lesson, you examined the legal rights and responsibilities of employers and employees, including rules about discrimination and sexual harassment. The lesson also provided information about workplace health and safety. In the next lesson, you will examine the issues of leaving a job and being unemployed.

Suggested Answers

1. Information recorded will vary depending on the websites you selected. Were you aware of the rights that are protected?
2. Responses will vary depending on the news story. Did you clearly describe the story—the legislation that was broken and how it was broken? What was the outcome of the situation?
3. The steps should follow an outline similar to the following. Your steps might be adjusted to reflect the individual job situation.

Step 1: Clearly define the problem.

A supervisor is harassing you and a co-worker.

Step 2: Establish your criteria.

Identify what is important to you. It could be stopping the behaviour, as well as finding support for you and your co-worker.

Step 3: List your alternatives.

There are a few possible steps you could take. Some might be better than others. You could talk to the harasser; talk to your co-worker; consider the resources you can access; or talk to another supervisor or human resources manager.

Step 4: Evaluate the alternatives based on your criteria.

There are a few questions you could ask yourself. What advantages are there in talking to another supervisor or human resources manager? In talking to the person doing the harassing? In talking to the other person being harassed? Can the problem be resolved at this level or must it go higher in the organization?

Step 5: Make a decision.

Specify the action needed.

Step 6: Review the decision.

What further steps may be needed? How will the success of the action be assessed? If the harassment stops, you'll probably have achieved a large part of your goal. Have you and your co-worker who experienced the harassment received the support needed? Has the harasser understood the nature of his or her behaviour? Is the harassment likely to start up again?

4. Provide a list of print materials and websites. Websites are probably the easiest places to find current information. Using keywords such as “workplace safety Alberta” can provide sites like these:

- Workplace Health and Safety – Alberta Government

<http://employment.alberta.ca/cps/rde/xchg/hre/hs.xsl/53.html>

- WorkSafe Alberta

<http://employment.alberta.ca/whs/worksafely/index.asp>

- links to Alberta Occupational Health and Safety

<http://bsa.cbasc.org/gol/bsa/site.nsf/en/su06859.html>

- SafeCanada.ca

http://www.safecanada.ca/link_e.asp?category=12&topic=114

- Workers’ Compensation Board

http://www.wcb.ab.ca/workingsafely/heads_up.asp

Did you describe the types of information each resource provides? Information might include regulations, general safety tips for the workplace, specific safety requirements for different types of jobs, and your rights when it comes to safety.

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