

December 4, 2018

HOLIDAY SEASON AND OVERBURDENING

Brothers & Sisters,

The holiday **season is** upon us once again. This is the busiest time of the year in terms of workload, as parcel and Admail volumes are at their highest in the weeks leading up to the holidays.

While your employer alleges it takes your health and safety seriously, you are the one who can best protect yourself from harm. **You have the right to refuse to perform dangerous work!** At times, we are faced with having to decide between serving our customers well and protecting our physical and mental well-being and safety.

Too often, we have to deal with severe or even extreme weather conditions, dangerous situations such as workplace violence, a high level of stress caused by an excessive workload and long hours of work, even more so at this time of the year. All of these situations can lead to anxiety and jeopardize our health and safety.

That is why it is important to remember that workers have an individual right to refuse, which is recognized by some collective agreements and the *Canada Labour Codes*.

You have the right to refuse work if you have reasonable grounds to believe that the performance of this work will endanger your health and safety, or physical well-being, or may similarly endanger a co-worker.

HOW TO EXERCISE YOUR RIGHT TO REFUSE

Under the Collective Agreement

For urban unit members, inform your supervisor and shop steward immediately that you are invoking your right to refuse under clause 33.13 of the collective agreement.

As soon as the employer is informed, it must conduct an investigation in your presence, if you wish, and in the presence of union representatives or a member of the Local Joint Health and Safety Committee representing the employees, to determine whether an immediate action is needed to eliminate potential risks.

Until the situation is remedied, the employer cannot assign any other worker to the portion of the work that gave rise to the refusal.

Under the Canada Labour Code

RSMCs and members of federally certified private sector units can exercise their right to refuse under the appropriate provisions included in Part II of the *Canada Labour Code* (Section 128). Provincially certified units follow their provincial labour codes.

In the federal sector, you must inform the employer, who must conduct an investigation in your presence immediately.

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If the employer does not remedy the situation to your satisfaction, and you wish to maintain your right of refusal, you must inform the employer and the Local Health and Safety Committee or the health and safety representative (offices with fewer than 20 employees). The Committee will then designate two members (an employee representative and an employer representative) to conduct an investigation.

Following this process, if the employer concludes there is no danger, it must **advise you in writing** and, if you do not think it is safe, that is when you must inform the Minister of Employment and Social Development Canada (ESDC) that you wish to continue to refuse.

Please contact your Local or regional office if you are under provincial regulations.

Taking our health and safety seriously at work can make a difference between being seriously injured, which could have a long-term impact, or lead to death, and being able to spend precious time with the people you love and be able to truly enjoy the upcoming holidays.

The struggle continues!

In Solidarity,



Marc Roussel
National Union Representative

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