



Health and Safety  
Santé et sécurité

# ACCESS TO INFORMATION AND EMPLOYER REPORTS for Health and Safety Committees

## The “Right to Know”

The “Right to Know” refers to a worker’s and Health and Safety Committee or representative’s fundamental right to be informed about known or foreseeable hazards in the workplace. The “Right to Know” is one of the three main rights of workers under the Occupational Health and Safety Act that enshrines your right to information about hazards.

Health and Safety Committees and representatives should assist with or work towards gaining access to relevant reports, studies, and government documents related to workplace health and safety. Having access to information and employer reports are important for hazard identification, communication and ensuring safe work practices. Committees can identify potential hazards and ensure that information about them is communicated to all relevant employees. Health and Safety Committees contribute to the development of safe work practices through monitoring and reviewing reports on hazards, policies, procedures, and training programs.

## FAQ on access to information

### WHAT IF MY EMPLOYER DOESN’T PROVIDE THE REPORT I REQUESTED?

For federal workers, Part II of the Canada Labour Code, section 135 (9) states:

#### Access

*(9) A work place committee, in respect of the work place for which it is established, shall have full access to all of the government and employer reports, studies and tests relating to the health and safety of the employees, or to the parts of those reports, studies and*

*tests that relate to the health and safety of employees, but shall not have access to the medical records of any person except with the person’s consent.*

In every jurisdiction, the employer has the primary responsibility to ensure that workers are provided with the information and training necessary to work safely. This right to know about hazards in the workplace also includes committees’ access to employer reports and hazard information. **The employer must provide these reports to the committee if it is requested.**



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## WHAT CAN I DO TO ENCOURAGE MY EMPLOYER'S COMPLIANCE?

For federal workers, Part II of the Canada Labour Code, section 126 (1) (g) and (j) state:

*(g) report to the employer any thing or circumstance in a work place that is likely to be hazardous to the health or safety of the employee, or that of the other employees or other persons granted access to the work place by the employer;*

*(j) report to the employer any situation that the employee believes to be a contravention of this Part by the employer, another employee or any other person;*

If your employer is not complying under the Canada Labour Code, reach out to your regional PSAC health and safety representative. You can find more guidance on employer compliance in the Internal Responsibility System (IRS) and Seeking Enforcement documents in the PSAC Health & Safety Toolkit.

## IS THERE COLLECTIVE AGREEMENT LANGUAGE THAT STRENGTHENS THE "RIGHT TO KNOW" FOR COMMITTEES?

Yes, the National Joint Council (NJC) was successful in negotiating significant enhancements to the "Right to Know" for committee members and representatives. You can incorporate this language into your Health and Safety Committee Terms of Reference, or work to have it included in your collective agreement.

NJC language may not be relevant to all employees in the federal sector. Reach out to your PSAC health and safety officer if you have questions on whether the NJC's language can apply to you and your workplace.

The NJC Occupational Health and Safety Directive states:

*19.6.1 Either party of a H&S committee may request from an employer any information that the committee considers necessary for identifying existing or potential hazards with respect to materials, processes, equipment or activities.*

*19.6.2 Either party of a H&S committee shall have full access to all government and employer reports, studies and tests about the health and safety of employees or to the parts of those reports, studies and tests that relate to the health and safety of employees but shall not have access to the medical records of any person, except with that person's written consent.*

## WHAT ABOUT CONFIDENTIALITY?

While workers have the right to access information, they do not have access to the medical records of other individuals or workers without their consent.

Records that are not medical, such as training records, are not considered confidential.

## CAN I USE THE GOVERNMENT'S ACCESS TO INFORMATION AND PRIVACY (ATIP) TO ACQUIRE THE EMPLOYER REPORTS THAT THEY HAVE NOT PROVIDED?

Yes. When dealing with uncooperative employers, going outside of the internal health and safety framework may be necessary. Consider organizing an awareness campaign in your local or community, or reach out to your PSAC regional office for help with mobilizing around an issue.