

Labour Rights Framework

Your rights as a worker in Canada come from several sources:

- Federal law – from the Parliament of Canada
- Provincial law – e.g. of British Columbia, if you are working there
- In the case of unionized workers, a contract in the form of a Collective Agreement negotiated between the workers and the employer

All workers in Canada, regardless of citizenship or immigration status, have protection under this framework.

Key pieces of the framework include:

- Canadian Charter of Rights and Freedoms
- BC Human Rights Code
- BC Labour Relations Code
- BC Employment Standards Act
- BC Workers' Compensation Act

This pamphlet will explain these five documents.

Remember, if you're a member of our union, the Collective Agreement between SFU and TSSU applies as well.

A collective agreement (CA) is a binding document mutually agreed between members of a union and the representatives of the employer. It can outline items such as wages, vacation, benefits, how to file a grievance, etc. In most cases if legislation is better in a certain regard than the CA, then the legislation applies; however, there are a few exceptions around hours of work, holiday pay, etc.

Please contact TSSU if you have questions about anything here or relating to the Collective Agreement.

Canadian Charter of Rights and Freedoms

This is often referred to as the "Charter." It sets out the basic human rights that apply to everyone in their interactions with the government.

The Supreme Court has decided that the Charter protects the right to form a union and the right to strike, making unions a key part of Canada's legal landscape.

BC Human Rights Code

The Human Rights Code guarantees that you can't be discriminated against on protected grounds. These include, but are not limited to:

- race
- colour
- ancestry
- place of origin
- religion
- marital status
- family status
- physical or mental disability
- sex
- sexual orientation
- gender identity or expression
- age

A Human Rights Tribunal rules on cases of alleged Human Rights discrimination.

BC Labour Relations Code

The Code outlines the rules for how unions and employers must conduct themselves. It sets out basic rights such as:

- the right to strike
- the right to representation
- the right to no retaliation (no punishment) for engaging in union activities or legally asserting your rights as a worker, including striking

The body which implements the Code and deals with disputes is the Labour Relations Board.

BC Employment Standards Act

This Act applies to all employees (unionized or not), and sets out requirements such as:

- minimum pay
- overtime pay
- holiday pay (statutory and vacation)

Workers can appeal to a tribunal if they feel the Act has been violated. Unions can also file a grievance with their employer. A Collective Agreement can result in rights that are overruled by the act, so if you have a union you should always contact them as your first step!

BC Workers Compensation Act

The Workers Compensation Act has two key components. First, it sets out an insurance process through which workers injured on the job receive compensation without having to go to court.

Second, it gives power to WorkSafe BC to implement Health and Safety laws which all workers and employers have to follow. These laws are built on four rights:

- **the right to know about potential safety hazards**, including paid training.
- **the right to refuse work you reasonably believe to be unsafe**. The employer cannot refuse pay or retaliate against you for exercising your right. Contact the union if you face such a situation.
- **the right to participate in local Health and Safety Committees** that the Employer must set up. You can participate if you work in any capacity at SFU.
- **the right to no retaliation** for any legitimate actions you take.

The Health and Safety laws also include protection against bullying and harassment. If you are being

mistreated on the job, then the Employer must take action to protect you against that harassment.

Additional Information

The details and information provided in this document is not exhaustive. Please view the full text of the Acts and Codes referred to:

Canadian Charter of Rights and Freedoms:
www.laws-lois.justice.gc.ca/eng/Const/page-15.html

BC Human Rights Code:
www.bclaws.ca/Recon/document/ID/freeside/00_96210_01

BC Labour Relations Code:
www.bclaws.ca/civix/document/id/complete/statreg/96244_01

BC Employment Standards Act:
www.bclaws.ca/Recon/document/ID/freeside/00_96113_01

BC Workers Compensation Act and Regulations:
www.worksafebc.com/en/law-policy/occupational-health-safety/searchable-ohs-regulation

In addition, the complete Collective Agreement between SFU and TSSU can be viewed at:
www.tssu.ca/collective-agreement/

Contact Us

If you are denied any rights or benefits that you are legally entitled to as a TSSU member, please contact the Union.

All discussions are private and confidential, and the TSSU will only pursue action on your behalf after having received your express permission.

In the event that you do choose to file a formal grievance or complaint, **you have the right to Union representation.**

Teaching Support Staff Union (TSSU) contact info:

Rooms: AQ5129/5130 (Burnaby)
UM134 (Harbour Centre)

Telephone: 778-782-4735 or 778-782-4695
(Burnaby)

Email: tssu@tssu.ca

Website: www.tssu.ca

Facebook: facebook.com/TSSU.ca/

Instagram: instagram.com/TSSU1978/

Twitter: twitter.com/TSSU



Labour and Employment Rights in BC

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