

# HEALTH AND SAFETY AT WORK

Know Your Rights | A project of the Global Labour Research Centre | York University

## Who is covered by the OHSA?

The OHSA covers all employers and workers in Ontario, with the exception of people who work in private residences, the Government of Canada, or in federally regulated industries.



## Occupational Health & Safety includes:

- Employer responsibilities
- Employee rights & responsibilities
- The Right to Know about Workplace Hazards
- The Right to Participate: Joint Health & Safety Committees
- The Right to Refuse Unsafe Work
- Ministry of Labour Inspections
- Workplace Injuries and the Workplace Safety & Insurance Act
- Preventing Workplace Violence and Harassment

## What is Occupational Health & Safety and why is it important?

The Ontario **Occupational Health and Safety Act (OHSA)** sets out the health and safety rights and duties of employees, employers, supervisors, and others in the workplace. It is designed to help workers increase their knowledge of hazards in the workplace and take action to prevent injuries. Knowing your rights is the first step to protecting your health and even your life.

### Employer Responsibilities

- Take all reasonable precautions to protect the health and safety of their employees.
- Supply personal protective equipment and ensure workers know how to use it properly.
- Ensure that all materials and protective equipment are maintained in good condition.
- Train workers about any potential hazards and provide information, instruction and supervision to protect worker health and safety.
- Develop and implement a health and safety program and policy.
- Post a copy of the OHSA in the workplace.
- Provide health and safety reports to the workplace Joint Health and Safety Committee or Health and Safety Representative.
- Assist the Joint Health and Safety Committee or the Health and Safety Representative in carrying out their functions under the OHSA.

### Employee Rights

- You have the right to know about any hazards at work that you may be exposed to.
- You have the right to participate in the process of identifying and resolving health and safety concerns by sitting on a Joint Health and Safety Committee or as a Health and Safety Representative.
- You have the right to refuse work that you reasonably believe is dangerous.
- Your employer cannot penalize or threaten to penalize you for exercising or asking about these rights.



## Know Your Rights!

Under the *Occupational Health and Safety Act* and *Ontario Human Rights Code* your employer has the legal responsibility to:

- Establish policies and procedures that address the issue of workplace discrimination and harassment
- Inform workers of policies and procedures
- Establish a complaints process for workers to report incidents, as well as procedures to investigate incidents or complaints
- Outline how complaints will be investigated
- Provide information to workers about a risk of workplace violence such as a person with a history of violent behaviour whom the worker can expect to encounter on the job
- Provide accommodation that makes it easier to participate in the workplace and perform essential duties.

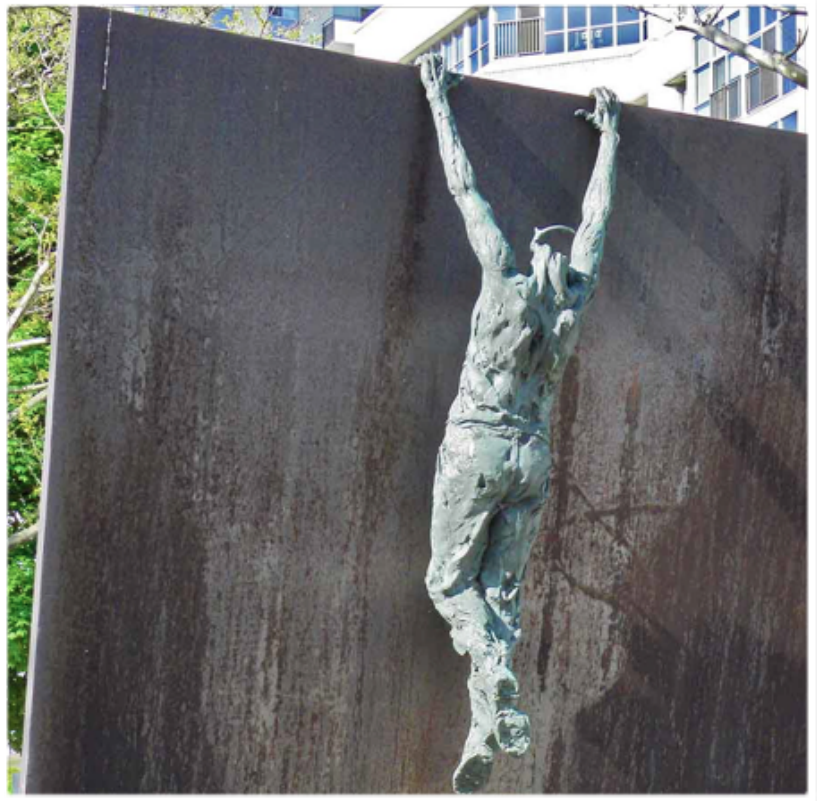
## Did You Know?

April 28th is Canada's official **National Day of Mourning** for workers killed and injured on the job. Observed by Canadian unions since 1984, it was officially proclaimed by the Government of Canada in 1991, and has since spread to more than 80 countries. Workers, their families and their unions gather on April 28th to lay wreaths at local monuments to killed and injured workers, which have been erected in many communities across Canada and the world. See the Workers Health and Safety Centre's website for events around Ontario: <https://www.whsc.on.ca/Events/Day-of-Mourning>

## Employee Responsibilities

In order to maintain a safe and healthy workplace, you also have the duty to:

- Use any equipment, protective devices or clothing required by your employer.
- Tell your employer or supervisor about missing or defective equipment or protective devices that may be dangerous.
- Report workplace hazards or violations of the Act to your supervisor.
- Not remove or make ineffective any protective device required by the employer or by the regulations.



Hamilton, Ontario's memorial to workers killed and injured at work, at the corner of Main and Bay Streets

## The Right To Know

### The Right to Know: Training

You have the right to receive training in order to:

- Do your job safely
- Know what to do in the case of emergency or injury

You should be trained and receive information on:

- Machinery
- Equipment
- Working conditions
- Work Processes
- Hazardous substances





**WHMIS 2015 Symbols**

**Controlled products** include any material classified in one of the following categories:

- Compressed Gas
- Flammable and Combustible Material
- Oxidizing Material
- Poisonous and Infectious Material
- Corrosive Material
- Dangerously Reactive Material

**Nursing  
doesn't have to be  
dangerous work**

ONA Ontario Nurses' Association

This Ontario Nurses' Association campaign highlights the high rate of workplace violence for nurses and other healthcare workers



**The Right to Know: Workplace Hazards**

- **The Workplace Hazardous Materials and Information System (WHMIS)** is a Canada-wide system designed to give employers and workers information about hazardous materials used in the workplace. All workers covered by the OHS Act are also covered by WHMIS.
- Under WHMIS, you also have the right to be included in discussions about the content of training programs, the amount of training, who is to receive what training and who delivers the training.
- If you work with materials designated as **controlled products** or hazardous substances, WHMIS requires that you have access to information about:
  - Which hazardous materials you are exposed to at work
  - What is in those hazardous materials from labels and Material Safety Data Sheets (MSDSs)
  - Proper material handling procedures and training



**The Right To Participate**

The OHS Act is designed based on the joint participation of workers and employers. As a worker, you have the right to participate in the process of maintaining a safe work environment.

**The Right to Report Dangerous Work**

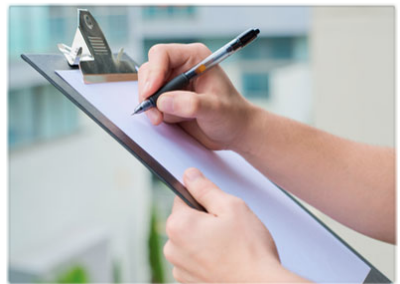
- **Every worker** has the right and responsibility to report unsafe practices or conditions at work.
- Your employer is **legally required** to investigate verbal reports about unsafe conditions.

**The Right to a Joint Health and Safety Committee**

- All workplaces with **20 or more workers** or which **contain toxic or designated substances** must have a Joint Health and Safety Committee (JHSC).
- Workers and employers must be equally represented on all JHSCs.
- JHSCs in workplaces with **between 20 and 49 workers** must have at least **two** people.
- JHSCs in workplaces with **50 or more workers** must have at least **four** people.
- The worker members of the committee must be elected by their fellow workers or by the trade union (if present).
- All workplaces **between 5 and 19 workers**, and which do not contain toxic or designated substances, must have a **Health and Safety Representative** elected by the workers or selected by the union.
- JHSCs are required to meet at least **once every three months**.

## Know Your Rights!

You cannot get in trouble, be disciplined, dismissed threatened or intimidated for either reporting hazardous working conditions or exercising your right to refuse to dangerous work. If your supervisor, employer, or Health and Safety Representative tries to punish you in any way, call a member of the Joint Health and Safety Committee, your union steward, or the Ministry of Labour. You can also file a complaint with the Ontario Labour Relations Board.



### Ministry of Labour Inspections

- A Ministry of Labour Inspector can enter and inspect any workplace covered by the Occupational Health and Safety Act without prior notice or a warrant, except for homes, unless the occupier consents or the inspector has a warrant.
- If the inspector issues an order to the employer, a **copy of the order must be posted in the workplace where the employees can see it.** A copy must be given to the health and safety representative or JHSC committee.
- Anyone affected by an inspector's order or failure to issue an order can **appeal to the Ontario Labour Relations Board within 30 days.**
- The maximum fine for any individual having violated the OHS Act is \$25,000 and/or imprisonment for a term of up to 12 months.
- The maximum fine for any corporation convicted of an offence under the Act is \$500,000.

### The Rights of JHSCs and Health and Safety Representatives

While performing duties as a JHSC member or H&S Rep, you are considered to be at work and must be paid the same wages you would receive if doing your regular work, including any overtime or other premium. You also have the right to:

- Obtain information from the employer about existing or potential hazards in the workplace as well as any workplace injuries and illnesses that have occurred.
- Be notified and consulted about any workplace testing being carried out for occupational health and safety purposes, and have a committee member present at the beginning of the testing to validate the procedures and / or results.
- Conduct workplace inspections at least once a month.
- Investigate serious injuries and workplace deaths.
- Make written recommendations to the employer on ways to improve health and safety in the workplace.

Your employer must fully co-operate with the JHSC or Health and Safety Representative in your workplace, including:

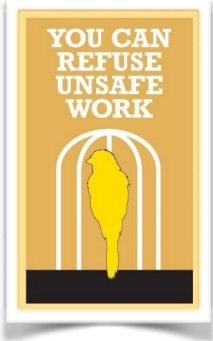
- Providing any information that the JHSC or H&S Rep has the power to obtain, including copies of all orders and reports issued by Ministry of Labour inspectors and reports on any workplace deaths, injuries and illnesses.
- Assisting the JHSC or H&S Rep in carrying out their functions.
- Responding to written recommendations within 21 days.

### The Right to Refuse Unsafe Work

You have the right to refuse unsafe work where you have reason to believe any equipment, machinery or physical condition of the workplace is dangerous. You also have the right to refuse work that you have reason to believe poses a danger of workplace violence.

#### How to Refuse Unsafe Work

- Upon refusing unsafe work, **you must immediately tell your employer or supervisor.**
- **Your employer or supervisor must investigate your work refusal without delay** in your presence, and in the presence of a JHSC worker member, a Health and Safety Representative, or a worker selected by a trade union or elected by the workers.
- You must remain **in a safe place, near your workstation**, until the investigation is complete.
- If you have reasonable grounds to think that your work is still unsafe, the **Ministry of Labour** is to be immediately informed and a **Ministry of Labour Inspector** will come to the workplace to investigate.
- In this case, you can still refuse to do the work. During this time, your employer can assign you **alternative work.**
- You can't be asked to do work that was refused by another person, unless you are told that the work was refused and why, in the presence of a JHSC worker member, a Health and Safety Representative, or a worker selected by the trade union or elected by the workers. If you're asked to do work that someone else has refused as unsafe, you can also refuse to do the work.



The **Canadian Union of Public Employees'** campaign to raise awareness of the right to refuse unsafe work, using the symbol of the canary in the coal mine

### Did You Know?

According to the WSIB and the Canadian Centre for Occupational Health and Safety, people whose jobs involve the following kinds of activities are at increased risk of workplace violence:

- Contact with the public
- Handling money, valuables or prescription drugs
- Working in premises where alcohol is served
- Delivering passengers or goods
- Providing service, care, advice or education
- Having a mobile workplace (like a cab or truck)
- Working with unstable or volatile people
- Working alone, in small numbers or in isolated areas
- Working late at night or early in the morning
- Guarding valuable property or possessions
- Working in community-based settings (like nursing and home care)
- Carrying out inspection and enforcement duties



### When does the right to refuse not apply?

Certain workers **have a limited ability** to refuse unsafe work:

- Police
- Firefighters
- Guards in prisons and other correctional facilities
- Hospital and other health care workers
- Workers in residential and group homes
- Ambulance services, certain medical laboratories, laundry, and food services
- Power plant employees
- Other technical services used in connection with the facilities and services which are excluded.

You cannot exercise a right to refuse work **if danger is a normal part of your work** unless **you would directly endanger the life, health or safety of another person.**

### Workplace Injuries and Workplace Safety & Insurance

- The **Workplace Safety and Insurance Act** covers most workers in Ontario as soon as they start working for an employer.
- Part-time, seasonal, and domestic workers are covered by the Act.
- **The Workplace Safety and Insurance Board (WSIB)** provides benefits to people injured at work, including:
  - medical treatment, including all prescription drugs, medical devices, orthotics and transportation costs for accessing treatments.
  - replacement wages at 85% of a worker's take-home pay, as well as compensation for permanent impairments.
  - job retraining for those unable to return to their previous job due to their injury.
- Make sure to keep copies of all receipts for medical, transportation and other expenses, for the WSIB and your records.

### What do I do if I'm hurt at work?

If you are injured at work, **you must:**

- **Seek medical attention** (first aid and / or health care).
- **Inform your employer** as soon as possible.
- **Apply for WSIB benefits within six months of your injury**, if you were unable to work or lost wages beyond the day of your injury.

Your employer **must:**

- **Arrange and pay for transportation** if you need medical treatment on the day of the accident;
- **Report the injury to WSIB** within 3 days of learning of your injury. There are some minor exceptions to this rule.
- **Pay your full wages and benefits** for the day of the injury, if you later apply for and qualify for WSIB benefits.



Poster from the **Coalition Against Workplace Violence**, a coalition of public sector unions in Nova Scotia



### Returning to work after a workplace injury

- If there are 20 or more workers at your workplace, **your employer must re-employ you** after an injury if you've been employed there continuously for at least one year. This obligation lasts until the earliest of
  - A. the 2nd anniversary of your workplace injury;
  - B. one year after you return to your pre-injury job; or
  - C. you turn 65.
- If you can perform the essential duties of your pre-injury job, you should be re-employed in that job, or offered comparable duties and wages.
- If you are unable to return to your pre-injury job, **your employer is obligated to offer you the first available suitable job.**

### Workplace Violence and Harassment

**Workplace violence** means the use of physical force against a worker in a workplace, or attempts or threats to use physical force against a worker in a workplace. **Workplace harassment** means engaging in cruel, demeaning, embarrassing and/or hostile behaviour against a worker in a workplace that *ought to be reasonably known to be unwelcome*.

Your employer **must**:

- have workplace violence and harassment policies, and review them at least once a year;
- assess, and, as necessary, re-assess, the risks of workplace violence for the workplace, and advise you and the JHSC about the results of the assessment or re-assessment;
- take all reasonable steps to protect you from domestic violence, if domestic violence could occur against you in the workplace;
- warn you when there is a risk of workplace violence that could cause physical injury. This duty also applies to your supervisor;
- develop procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
- conduct an investigation, that is appropriate in the circumstances, into complaints of workplace harassment and inform the worker, in writing, of the results of the investigation.

### For More information and Support

**Occupational Health and Safety, Ontario Ministry of Labour:**  
[www.labour.gov.on.ca/english/hs](http://www.labour.gov.on.ca/english/hs) | 1.800.268.8013 or 416.326.7770

**Young Workers Support Hotline:** 1.866.SAFE.JOB

**Industrial Accident Victims Group of Ontario:** [www.iavgo.org](http://www.iavgo.org) | 1.877.230.6311 or 416.924.6477

**Toronto Workers' Health and Safety Legal Clinic:**  
[www.workers-safety.ca](http://www.workers-safety.ca) | 416.971.8832

**Workers' Health and Safety Centre:** [www.whsc.on.ca](http://www.whsc.on.ca) | 1.888.869.7950 or 416.441.1939

**Workplace Safety and Insurance Board:** [www.wsib.on.ca](http://www.wsib.on.ca) | 416.344.1011

**Office of the Worker Advisor:** [http://www.owa.gov.on.ca/home\\_eng.html](http://www.owa.gov.on.ca/home_eng.html) | 1.800.435.8980

**Canadian Centre for Occupational Health and Safety:**  
[www.ccohs.ca](http://www.ccohs.ca)

**Know Your Rights Factsheets Series** <http://girc.apps01.yorku.ca/know-your-rights-2/>

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