



Your Rights at Work

Health and Safety in Ontario - The Basics

The Occupational Health and Safety Act (OHSA) outlines the rights and regulations that need to be followed in every workplace to ensure that **everyone, regardless of their job, is safe at work in Ontario.**

Contact S.W.E.A.C for more information specific to your situation and how to address any violations of your rights at work.

Worker's responsibilities:

- Never remove or make ineffective any guard or other protective device.
- Use all required personal protective equipment.
- Report *all* hazards to the employer yourself or others.

Supervisor's responsibilities:

- Advise a worker on potential hazards and dangers.
- Give written instructions when applicable.
- Take every precaution reasonable in the circumstances for the protection of a worker.

Employer's responsibilities:

- Provide personal protective equipment.
- Provide proper training.
- Appoint competent supervisors.
- Maintain equipment and ensure it is being used as the law states.
- Develop and enforce policies and procedures.

Health and Safety Representatives:

In workplaces of five or more employees, the workers must select at least one health and safety representative from among the workers at the workplace who do not exercise managerial functions. A Joint Health and Safety Committee (JHSC) is found in any workplace with twenty or more employees, and is made up of both workers and supervisors.

Both of these initiatives are there to assist in providing greater protection against workplace injuries, illnesses and deaths.

The JHSC has the following duties under the OHSA:

- Advise and help raise awareness of health and safety issues.
- Recognize and identify workplace risks and hazards.
- Develop recommendations for employers to address the risks.

Ask your employer if they have a JHSC and how you can get involved!

Your THREE Rights

Right to Know

The act requires employers to provide information and instruction to workers to protect their health and safety.

Right to Participate

Any worker has the right to ask questions about their health and safety. A worker can also inquire about how to be involved with their JHSC.

Right to Refuse Unsafe Work

Any worker has the right to refuse unsafe or dangerous work, with some exceptions (police, firefighters, those employed in a hospital). To be able to refuse work you must prove that it directly violates your health and safety or the health and safety of others.

5 Types of Workplace Hazards

Physical

Can be anything that can physically harm you but does not necessarily touch you.

Examples: Tripping, radiation, and loud noises.

Biological

Viruses and bacteria are carried by everything including insects, plants, birds, and humans. These can cause allergies, infections and other health related matters.

Ergonomic

Ergonomics is the science behind fitting the workplace to the worker. Examples include: proper lifting techniques, and proper work stations.

Chemical

Most people automatically associate chemicals with scientists in laboratories, but chemicals are also found in many of the products we use at work and at home.

While they have a variety of beneficial uses, misuse can cause burns, fires, explosions or even death.

Ensure that you receive **WHMIS training** from your employer before dealing with any chemicals.

Psychosocial

Our mental state influences our overall wellbeing while at work. If our work environment is causing us mental distress this is a hazard as it can lead to illness or harm.

Work Refusal Process

The following are the steps a worker can take when refusing unsafe work:

1. Worker has reason to believe that the work endangers health and safety.
2. Worker promptly reports reasons for refusal to their supervisor.
3. Worker remains in a safe place as close as possible to their work area.
4. Health and Safety representative is called and attends immediately.
5. Supervisor investigates along with worker and H&S rep.
6. It is determined whether or not the worker has reasonable grounds to refuse the work.
7. If safe the worker may return to work.

If the worker still feels unsafe and refuses to return to work the following steps must be followed:

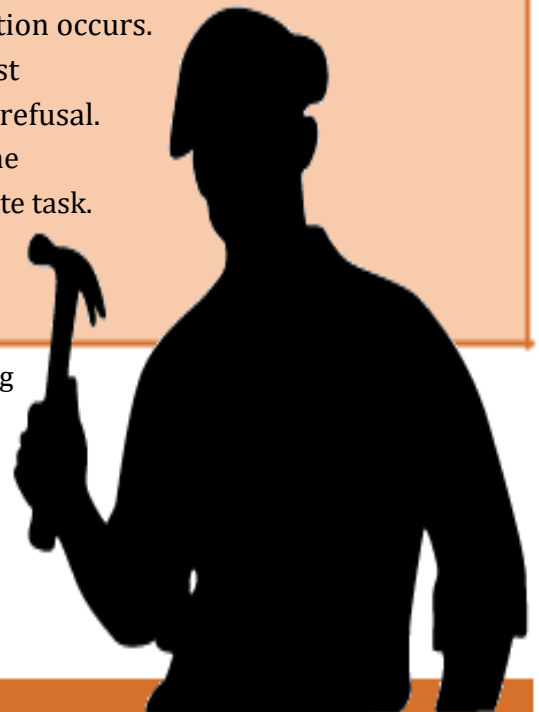
1. The Ministry of Labour is contacted by the employer and an investigation occurs.
2. If another worker is assigned to complete the task at hand that the first worker refused that worker must be made aware of the first workers refusal.
3. The worker who refused the task may stay close to their work area for the remainder of their normal hours, **OR** they may get assigned to an alternate task.

The alternate task must be reasonable and not a reprisal.

4. Once the work is deemed safe the worker shall return to work.

Carl is attending his first day working for a local lumber yard. Upon being hired his employer told him that he would be trained on the larger equipment and that Carl's inexperience was not a problem. During the day Carl was asked by his supervisor to move lumber to another location in the yard using the forklift. Carl tells his supervisor he has not yet been trained on how to use it. His supervisor tells him to get the job done in a timely manner or go home.

What are Carl's rights and what steps should he take next?



Preventing Accidents and Reporting Hazards

Reporting the Hazard!

It's very important to report an a hazard, injury, illness or near miss right away (to your supervisor and/or the Health and Safety Representative), because this allows the employer to prevent further incidents in the future. Your employer has obligations around reporting certain injuries to the Ministry of Labour. For example, if a worker needs medical attention or an illness has been filed with the Workplace Safety and Insurance Board, the employer must notify a Director of the Ministry of Labour, the Joint Health and Safety Committee (or health and safety representative) and the union (if any) **within four days**.

The following are four easy steps to keep in mind in order to prevent workplace accidents:

1. **RECOGNIZE** the hazard
2. **ASSESS** the situation
3. **CONTROL** the hazard
4. **ELIMINATE** it completely

Important things to consider when dealing with hazards are:

- Identify the hazard and ask yourself if you have been trained on how to contain and/or eliminate it. **If not, get help!**
- Never leave a hazard unattended if there is no immediate danger to yourself, as leaving may cause an accident or injury to someone who is not aware of the hazard. If you are alone and need help, try calling for a co-worker. Some workplaces have procedures in place to help alert others of hazards (signs, lights, sirens, etc.). If this is the case then follow the correct procedure before leaving to find help.
- Ensure to use the personal protective equipment (PPE) when dealing with hazards at all times **BUT** PPE should never be used as a way of compensating for dangerous conditions when those hazards can be eliminated.

Training and Personal Protective Equipment

Your employer is responsible for training you in the following under the OHSA:

- **Health and Safety Awareness training**
- **Training on WHMIS and labels (MSDS)**
- **Proper training on how to do your job safely and correctly**
- **Training on equipment and tools**

Training can vary depending on your workplace and work duties.

Your employer is required under the OHSA to provide you with all the necessary training to do your job safely!

Contact S.W.E.A.C if you have any questions about your Health and Safety at work.

Workplace Violence and Harassment

Everyone has the right to be free from harm at work. All workplaces are required to have policies committed to the prevention of violence and harassment. These policies must be posted in workplaces with six or more employees, must be reviewed annually, and should include how workers can report concerns, complaints, threats, or incidents to their supervisor.

Please see our Violence and Harassment in the Workplace Factsheet or Contact S.W.E.A.C for more information about violence and harassment in the workplace.

Reprisals are Illegal!

It is against the law for your employer to dismiss, discipline, suspend, threaten, penalize or intimidate you for asking about or exercising your rights under the OHSA.

If you do feel that you suffered reprisals for asking or inquiring about your work rights CONTACT S.W.E.A.C!

Supports and Resources

Ministry of Labour (Health and Safety)	1-877-202-0008 www.labour.gov.on.ca
Occupational Health Clinics for Ontario Workers (OHCOW)	(705) 523-2330 www.ohcow.on.ca
Workplace Safety & Prevention Services (WSPS)	1 877 494 WSPS (9777) www.wsps.ca
Infrastructure Health & Safety Association (IHSA)	905-625-0100 www.ihsa.ca
Health & Safety Ontario	1-877-250-7444 www.healthandsafetyontario.ca
Public Services Health & Safety Association (PSHA)	1-877-250-7444 www.psha.ca
Workplace Safety Insuring Board (WSIB)	1-800-387-0750 www.wsib.on.ca
The Office of the Worker Adviser	1-855-659-7744 www.owa.gov.on.ca

Contact Us!

The Sudbury Workers' Education and Advocacy Centre

There are other laws that protect your rights at work such as the Ontario Human Rights Code and the Employment Standards Act. Contact S.W.E.A.C for support and to learn more about your rights at work.

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