The rights of workers

Why it's important

The Occupational Health and Safety Act imposes duties on all workplace parties, including workers. The Act also gives workers three specific rights for the purpose of ensuring their health and safety.

How to control the hazards

Workers have three basic rights under the Occupational Health and Safety Act:

The Right to Know: Workers must have access to information that affects their safety. This includes things like the Workplace Hazardous Materials Information System (WHMIS), access to any medical reports, access to test results, and specific information about the hazards of their work and how to work safely.

Hazards can be physical (such as unguarded machinery), biological (such as mould and bacteria), ergonomic (such as awkward and repetitive movements) and chemical (such as gases and flammable materuals).

The Right to Participate: Workers have the right to participate in workplace health and safety.

This is mostly through their 50% participation in the joint health and safety committee, in safety inspections, and in their duty to report hazardous situations.

Worker members of health and safety committees (or the worker health and safety representative) have the right to be present at the beginning of workplace testing, during workplace inspections and incident investigations.

Health and safety committees (or the worker health and safety rep) have the right to make recommendations to the employer regarding health and safety issues.

The Right to Refuse: A worker who believes his or her job is likely to endanger him or her has an obligation to report the unsafe situation to management. If the situation is not corrected and the worker feels his or her health and safety is still in danger, he or she has the right under the OH&S Act to refuse to perform the work without any fear of reprisal.

When work is refused, there is a set procedure that the worker member of the health and safety committee (or health and safety representative) and the worker's supervisor are required to follow.

If the work refusal can't be resolved internally, a Ministry of Labour Inspector is called in to investigate the problem.

Show and tell

Talk about how your company fulfils its obligations to the Occupational Health and Safety Act by cooperating with the joint health and safety committee, providing a safe workplace and informing workers about matters concerning workplace health and safety.

Notes:

OFSWA
Ontario Forestry Safe Workplace Association
Partners on the Road to Zero