

Staying safe and healthy at work

Information for newcomers to Ontario



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The goal of this module is to have workshop or classroom participants understand their basic rights and duties under the *Occupational Health and Safety Act*.



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Why is workplace safety important?

- New workers have **four times** the risk of injury during their first month in a new job.
- **40%** of all workplace injuries happen during the first six months on the job.
- **One in every 15** workers is injured every year in Canada.
- Three **workers are killed** each day on the job in Canada.



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Sometimes new immigrants do not find the work they hoped to find when they arrived in Ontario and, instead, take “survival jobs” that are not in their field. Research has shown that new immigrants to Canada are more likely to work in manual jobs where the risk of injury is higher. Therefore, it’s important to know about workplace health and safety.

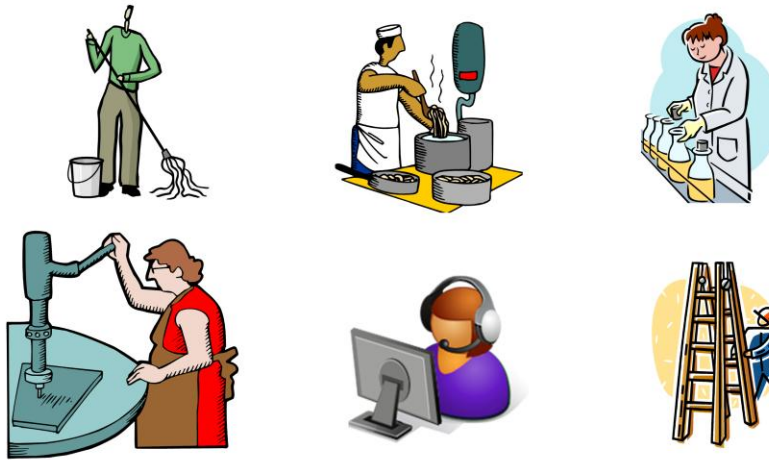
Employers are very concerned about safety in Canada. This may be similar to, or different from, the situation in your native country.

Exercise #1

Ask the class the following:

- Have you heard the term “workplace or occupational health and safety” before?
- What do you already know about this topic?
- What are some of the ways that you have been taught to work safely (or not work safely) in past jobs, either in Canada or in other countries?
- Did your employer in your country of origin want you to work safely? Was there a focus on workplace health and safety?

What are some common workplace health and safety hazards?



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Exercise #2

Every job has different kinds of hazards associated with it. Ask the class to brainstorm about the types of things that could cause them to get sick or injured at work.

Possible examples:

- knives/cutting tools (in restaurants or manufacturing) → cuts, loss of limbs/fingers
- wet floors or debris on floors → falling, slipping
- extreme temperatures (hot or cold) → aching muscles, fatigue
- chemicals, including certain cleaning products → illness or disease from skin contact or inhaling fumes
- shift work → fatigue, difficulty sleeping
- repetitive movements → pain in different parts of the body, such as back, neck, shoulders, arms, wrists
- unclean areas (e.g. eating areas or restrooms) → illness from viruses or bacteria
- machinery and equipment → cuts, lacerations, loss of limbs, death

Other health and safety risks:

- working quickly → accidents more likely to happen when workers have to work quickly
- being tired (from working two jobs or shift work) → accidents more likely to happen when workers are tired

The Occupational Health and Safety Act (OH&S Act)

- In Ontario, the law that protects people at work is called the **Occupational Health and Safety Act (OH&S Act)**.
- The OH&S Act helps make workplaces safer and gives workers basic rights so that they can be safe at work.
- The OH&S Act gives workers and employers both **rights** and **duties/obligations**.



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In Ontario, the law that protects people at work is called the *Occupational Health and Safety Act* (OH&S Act).

The OH&S Act helps make workplaces safer and gives workers basic rights so that they can be safe at work.

The OH&S Act gives workers and employers both RIGHTS and DUTIES (or obligations). Everyone must work together to build a safe workplace.

The OH&S Act covers ALL workplaces except for people who work in the homes of their employers (i.e. domestic workers and live-in caregivers). Workplaces under federal government control (e.g. post offices, airports, banks) are protected by different laws.

The Ontario Ministry of Labour makes sure everyone obeys the OH&S Act. It can inspect workplaces and order employers to make changes if problems in the workplace are found.

Workplace duties under the Occupational Health and Safety Act

Employer and supervisor duties

Your employer or supervisor must:

- Give you the information, training and supervision you need to protect your health and safety at work.
- Tell you about any dangers or hazards in the workplace, and take every reasonable precaution to protect you.
- Make sure that safe work procedures are followed and that machinery and personal protective equipment are used properly.
- Ensure that safety equipment is in good condition.
- Cooperate and work with health and safety committees/representatives.

Employers must protect workers. It is the law!



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Employers, supervisors and workers each have certain duties under the *Occupational Health and Safety Act*.

Your employer or supervisor must:

- Give you the information, training and supervision you need to protect your health and safety at work.
- Tell you about any dangers or hazards in the workplace, and take every reasonable precaution to protect you.
- Make sure that safe work procedures are followed and that machinery and personal protective equipment are used properly.
- Ensure that safety equipment is in good condition.
- Cooperate and work with health and safety committees/representatives.

Employers must protect workers. It is the law.

Workplace duties under the Occupational Health and Safety Act

Worker duties

As a worker, you must:

- Use the safety equipment your employer says to use.
- Treat safety equipment with care and respect.
- Tell your employer if you see any broken equipment or safety problems.
- Ensure you do not use any equipment or machinery that could harm you or another worker.
- Act responsibly in the workplace.
- Report any violations of the OH&S Act to your employer.
- Let your supervisor or employer know if you do not understand the safety training at work.



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As a worker or employee, you also have duties in the workplace under the *Occupational Health and Safety Act*.

As a worker you must:

- Use the safety equipment your employer says to use. It is your employer's job to provide you with proper equipment, but it is your job to use the equipment correctly. If you do not know how to use your equipment properly, you must ask a supervisor or co-worker.
- Treat safety equipment with care and respect. You must try to keep your equipment in good condition.
- Tell your employer if you see any broken equipment or safety problems. You have a duty to tell your employer about safety hazards you see or about equipment that is not in good working order.
- Ensure you do not use any equipment or machinery that could harm you or another worker. Even though your employer must make sure that safety equipment and machinery are in proper working condition, you also have a duty to protect your own safety and the safety of those you work with by not using equipment that you feel is faulty.
- Act responsibly in the workplace. That means no "horseplay," pranks or other behaviour that could endanger you or any other workers.
- Report any violations of the OH&S Act to your employer.
- Let your supervisor or employer know if you do not understand the safety training at work. You should also make sure you know how to use any personal protective equipment (e.g. respirators, masks, gloves, etc.) that you are given.

Scenario: Worker duties

Reena works at a food processing plant. Her job is to run a packaging machine on a cooking oil bottling line. Because of an awkward reach across the bottling line, she has to work dangerously close to the bottling machine.

One day, Reena gets the sleeve of her smock caught on a piece of the moving machinery. She has to rip her sleeve loose to prevent her arm from being pulled into the machine.

Reena has heard that the law in Ontario gave employees the right and the duty to speak up about unsafe work.

Reena tells her supervisor about the situation right away and shows him her torn smock. The company then installs guard shields on the machine and designs a special tool to eliminate the awkward reach across the packaging line. This makes Reena's job much safer.



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As a worker, you have a duty to work with your employer to help make the workplace safer.

Your rights under the OH&S Act

The OH&S Act gives workers **three legal rights** to help protect their health and safety on the job:

1. The right to know about health and safety hazards on the job

Your employer must tell you about all known hazards in the workplace. This might include the types of work you do, or the materials or chemicals in the workplace that could hurt you or make you sick.



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The OH&S Act gives workers three legal rights to help protect their health and safety on the job.

The first is the right to know about health and safety hazards on the job.

Your employer must tell you about all known hazards in the workplace. This might include the types of work you do, or the materials or chemicals in the workplace that could hurt you or make you sick.

Your rights under the OH&S Act

2. The right to participate in keeping your workplace safe and healthy

- You have the right to help make your workplace safer by sharing your ideas or complaints about workplace health and safety with your employer or health and safety representative/committee.
- Every workplace in Ontario that employs more than five people must have either a health and safety representative or a joint health and safety committee that includes worker representatives. Find out at work who your health and safety representative is or who your committee members are.
- Joint health and safety committee members and health and safety representatives have an important role in the workplace. They help to identify hazards, inspect the workplace and make written recommendations to the employer to improve the health and safety of workers.



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The second is the right to participate in keeping your workplace safe and healthy.

You have the right to help make your workplace safer by sharing your ideas or complaints about unsafe work with your employer or health and safety committee or representative.

Every workplace in Ontario that employs more than five people (but less than 20 people) must have a health and safety representative. Every workplace that employs 20 people or more must have a joint health and safety committee, made up of both employer and worker representatives. Worker representatives are workers chosen by other workers, and at least half the members of joint health and safety committees must be worker representatives. Find out at work who your health and safety representative is or who your committee members are.

Joint health and safety committee members and health and safety representatives have an important role in the workplace. They help to identify hazards, inspect the workplace and make written recommendations to the employer to improve the health and safety of workers.

Your rights under the OH&S Act

3. The right to refuse unsafe work

- You can legally refuse to do work that you think might hurt you or another worker on the job.
- Your boss does not have a right to fire you for doing this.
- **There is a specific way to refuse work so that you are protected by the OH&S Act.**



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The third right is the right to refuse unsafe work.

You can legally refuse to do work that you think might hurt you or another worker on the job. This includes situations in which you think the equipment or machines you are using are unsafe or are being used in a way that might hurt you or someone else, or when you feel that the physical conditions of the workplace are a danger to you. Your boss does not have a right to fire you for doing this. There is a specific way to refuse work so that you are protected by the OH&S Act. See the Ministry of Labour website for details:

www.labour.gov.on.ca/english/hs/pubs/ohsa/ohsag_7.php.

Legally refusing unsafe work

- Sometimes workers are worried about losing their jobs for refusing to do unsafe work. **There is a specific way to refuse work so that you are protected by the OH&S Act.** If you refuse work in the following way, your employer cannot punish you without breaking the law.
- First, tell your supervisor or employer right away that you feel that the work is unsafe and give your reasons.
- Your employer, in the presence of a worker member of the joint health and safety committee (or health and safety representative), must investigate the problem. You need to remain in a safe place and be available for the investigation.
- If the situation is resolved in a way that makes you feel safe, you return to work. If you have grounds for believing the work is still unsafe, tell your employer. You can continue to refuse the work. You, your employer or worker joint committee member (or representative) must call the Ministry of Labour so an inspector can investigate.
- While the Ministry inspector investigates, you may be given other work during normal working hours, or be given other directions.
- The inspector will provide a written decision.
- If your employer tries to punish you in any way for refusing work you feel is unsafe (for example, by cutting your hours or firing you), you can file a complaint with the Ontario Labour Relations Board, file a grievance through your union (if there is one), or contact the Ministry of Labour for information.



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Sometimes workers are worried about losing their jobs for refusing to do unsafe work. **There is a specific way to refuse work so that you are protected by the OH&S Act.** If you refuse work in the following way, your employer cannot punish you.

First, tell your supervisor or employer that you feel that the work is unsafe and why you feel that way. Make it clear that you are exercising your right under the OH&S Act to refuse work that is unsafe. Once you have refused to work under the OH&S Act, you cannot be ordered or forced to do the work, and you cannot be disciplined for refusing the unsafe work.

Your employer, in the presence of a worker member of the joint health and safety committee (or a health and safety representative), must investigate the problem. You need to remain in a safe place and be available for the investigation.

If the problem is resolved in a way that makes you feel safe, you return to work. If you have grounds (i.e. Information) to believe the work is still unsafe, tell your employer. You can continue to refuse the unsafe work. You, your employer or worker joint committee member (or health and safety representative) must call the Ministry of Labour to have an inspector investigate the problem.

While the Ministry of Labour inspector is carrying out the investigation, you may be given other work during normal working hours, or be given other instructions. While the inspector is investigating, no other worker can be assigned to do the work you have refused without first being told of the reasons for your refusal. This other worker has the same right to refuse the work as you do.

The inspector will provide a written decision. If the inspector decides that the work is unsafe, your employer will be ordered to make changes. If the inspector decides that the work is safe and you disagree, you can appeal the decision within 30 days. You need to contact the Ontario Labour Relations Board at 416-326-7500 to get the appeal forms.

If your employer tries to punish you in any way for refusing work you feel is unsafe (for example, by cutting your hours or firing you), you can report it to the Ministry of Labour, which will guide you to either file a grievance if there is a union in your workplace, or make a complaint to the Ontario Labour Relations Board. Be aware that sometimes these complaints take some time to resolve.

You might feel that you are treated somewhat differently by your employer or your co-workers after refusing unsafe work, and that can be hard to deal with. But you should feel proud for exercising your rights and for protecting yourself and your co-workers.

Violence and harassment in the workplace

- Everyone should be able to work without fear of violence or harassment, in a safe and healthy workplace. Violence and harassment in the workplace are not tolerated in Ontario.
- If you are facing violence or harassment at work, you should inform your employer, supervisor, health and safety representative or joint health and safety committee. If the problem cannot be solved internally (within your workplace), you should call the Ministry of Labour.
- You have the right to refuse work if you believe you are in danger due to workplace violence.
- If you are in immediate danger or an emergency situation, you should contact the police.



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Workplace violence is when someone uses physical force, attempts to use physical force or threatens to use physical force that could cause injury to a worker in a workplace.

An accident (for example, tripping over something and accidentally pushing a co-worker) is not usually considered violence in the workplace.

Workplace harassment is when someone engages in distressing and unwelcome comments or conduct against a worker in a workplace. Workplace harassment may include bullying, intimidating or offensive jokes or innuendos, displaying or circulating offensive pictures or materials, or making offensive or intimidating phone calls.

An action by an employer or supervisor that is part of normal work activities is not usually considered workplace harassment. This is the case even if the action results in unpleasant consequences for a worker. For example, the following would not normally be considered workplace harassment: work assignment or scheduling changes, job assessments and evaluations, workplace inspections, dress codes and disciplinary actions.

All workplaces must have policies and programs to prevent violence and harassment. Your employer must tell you and teach you about the workplace's violence prevention policies and programs, including the process for reporting incidents of workplace violence and harassment, and how your employer will investigate and deal with such incidents or complaints.

Scenario: Harassment at work

Omar is working on a construction site. He finds most of his co-workers friendly and pleasant. But one person on the job site is making his work difficult by laughing at Omar's clothes, making fun of the food he brings for lunch and making fun of his accent. Omar is worried that by saying something, he will make the behaviour worse, but he doesn't want to work with this person anymore.

What should Omar do?



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Ask the class to discuss what Omar should do in this situation. An answer is on the next slide.

Scenario: Harassment at work

If he feels safe, Omar should speak directly to the co-worker who is making fun of him, and ask him to stop.

If Omar cannot do this, or if speaking to the co-worker doesn't change the situation, Omar needs to report the situation clearly to his supervisor, noting what has been happening and that he tried to resolve the issue with the co-worker. (This is why keeping your own notes or records of things on the job can be useful.)

Omar's employer or supervisor must have a plan in place for dealing with harassing behaviour at work, and should help Omar resolve the issue.

If the employer does not help Omar, Omar should call the Ministry of Labour and tell it about the co-worker and about his attempts to get help from the supervisor or employer.



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Omar may want to try to resolve the issues with his co-worker directly.

However, it is the responsibility of the employer to deal with the issue of harassment at work. Once Omar reports the situation to his employer, the employer needs to have a plan in place to resolve this issue. If Omar is unhappy with the resolution (or if there is no resolution), Omar should contact the Ministry of Labour.

Your turn...

- Have you ever had to do something at work that you believed to be unsafe?
- Would it be hard to refuse to do unsafe work (to tell your employer "no")? Why or why not?
- How would you go about refusing unsafe work?



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Exercise #3

Ask the workshop participants if they have ever done something at work that they believed to be unsafe. Discuss with the class why it might be scary or intimidating to refuse unsafe work (e.g. fear of upsetting the boss or co-workers, concern about losing job). Role-play with students about how they might refuse unsafe work.

For more information about refusing unsafe work, please see the Ministry of Labour guide at: www.labour.gov.on.ca/english/hs/pubs/ohsa/ohsag_7.php.

Other important information

- Tell your supervisor if you don't understand the health and safety instructions or safety rules. If you can't read these on your own, have someone translate them for you. Ask a supervisor or co-workers for help if you are new.
- All injuries at work should be reported to a supervisor. In Ontario, reporting injuries is the law. See the fact sheet about workers' compensation for more information.



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Acknowledgements

This document was created by a research team at the Institute for Work & Health consisting of Agnieszka Kosny, Peter Smith, Curtis Breslin, Ron Saunders and Marni Lifshen, in partnership with:

- Injured Workers' Consultants
- Skills for Change
- Workers Health and Safety Centre
- Workplace Safety and Insurance Board
- Ontario Ministry of Labour
- Workplace Safety and Prevention Services
- Occupational Health Clinics for Ontario Workers



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