D2. Workplace Rights and Responsibilities: demonstrate an understanding of the rights and responsibilities of employers and employees, including both personal and legal responsibilities;

In general, what does OHSA require?
The main purpose of the Occupational Health and Safety Act (OHSA) is to protect workers from health and safety hazards on the job. It sets out duties for all workplace parties and rights for workers. It establishes procedures for dealing with workplace hazards and provides for enforcement of the law where compliance has not been achieved voluntarily. Fundamental to the successful working of OHSA is the workplace Internal Responsibility System (IRS). More about the OHSA.

Who is covered by OHSA?
OHSA applies to almost every worker, supervisor, employer and workplace in Ontario, including workplace owners, constructors and suppliers of equipment or materials to workplaces covered by the Act.

OHSA does not apply to:
- Work done by the owner or occupant, or a servant, in a private residence or on the connected land [Section 3(1)];
- Workplaces under federal jurisdiction, although federal authorities accept that outside contractors and their employees, while in federal workplaces, are under provincial jurisdiction.

Workers

What rights does OHSA give to workers?

Workers' rights under OHSA include:

- The "right to participate" to be part of the process of identifying and resolving health and safety concerns. This right is expressed mainly in the requirements for Joint Health and Safety Committees and representatives.
- The "right to know" about any hazards to which they may be exposed. The requirements of the Workplace Hazardous Materials Information System (WHMIS) are an important example.
- The "right to refuse work" that they believe is dangerous and, under certain circumstances, certified Joint Health and Safety Committee members can stop work that is dangerous.

The Act prohibits reprisals being taken against workers who exercise these rights.

Do workers have duties under OHSA?
Workers have a general duty to take responsibility for personal health and safety, which means they should not behave or operate equipment in a way that would endanger themselves or others. Section 28 of OHSA lists additional specific duties:

- Work in compliance with the Act and regulations;
- Use any equipment, protective devices or clothing required by the employer;
- Tell the employer or supervisor about any known missing or defective equipment or protective device that may be dangerous;
- Report any known workplace hazard or violation of the Act to the employer or supervisor;
- Not remove or make ineffective any protective device required by the employer or by the regulations.
- How do workers participate in workplace health and safety?

The main way that workers can participate in workplace health and safety is through exercising their rights and duties in a responsible manner and by supporting their Joint Health and Safety Committee (JHSC). The JHSC is made up of worker and management representatives and has the power to:

- Identify hazards
- Obtain information from employer
- Make recommendations to employer
- Investigate work refusals
- Investigate serious accidents

What can a worker do about unsafe conditions at work?

Health and safety concerns should first be brought to the attention of the employer or supervisor. If nothing is done, it can be taken to the worker's health and safety representative or Joint Health and Safety Committee. If the situation is not corrected, it can be reported to the nearest office of the Ministry of Labour. Workers also have the right to refuse unsafe work. OHSA Section 43 outlines the procedure that must be followed, and this process should be understood before a refusal is initiated. More information can be obtained from local ministry offices.

What should a worker do if injured at work?

Obviously, an injured worker's first priority should be to get proper medical attention. Ensuring that necessary medical treatment is provided is the responsibility of the employer. It may take the form of first aid from a trained co-worker or require transportation to and treatment at a hospital.

The injury-causing incident must also be reported to the worker's supervisor or employer, so that the employer's responsibilities under the Workplace Safety and Insurance Act, 1997 can be
met. One of these responsibilities is completion of a Workplace Safety and Insurance Board form (WSIB Form 7). More information on workplace safety insurance (formerly known as workers' compensation) is available from the WSIB, the Office of the Worker Adviser, and the Office of the Employer Adviser.

**Employers**

What duties does OHSA place on employers?

OHSA Sections 25 assigns a mixture of general and specific duties to employers and provides for other duties to be prescribed (required) by regulation. Some of the general duties require an employer to:

- Take all reasonable precautions to protect the health and safety of workers;
- Ensure that equipment, materials and protective equipment are maintained in good condition;
- Provide information, instruction and supervision to protect worker health and safety; and
- Co-operate with the JHSC.

Some of the specific duties require an employer to:

- Comply with all regulations made under OHSA;
- Develop and implement an occupational health and safety program and policy;
- Post a copy of OHSA in the workplace; and any explanatory material prepared by the Ministry of Labour in the workplace; and
- Provide health and safety reports to the JHSC.

OHSA Section 26 details a number of other areas where additional duties for an employer may be prescribed. Regulations give more specific directions on how to comply with the general requirements of OHSA.

Employers also have duties with respect to workplace violence and workplace harassment.