

Workers' Health & Safety Legal Clinic

WORK SAFE

**Your Health and
Safety at Work**



**This booklet will help you understand
your health and safety rights
as a worker in Ontario.**

Who We Are:

The **Workers' Health and Safety Legal Clinic** is a specialty legal clinic that focuses on workers' rights throughout Ontario. We specialize in employment standards and health and safety.

Our lawyers provide free information, legal advice and representation to **low income** and **non-unionized workers** from across Ontario.

Your call is confidential.

Telephone: **(416) 971-8832**

Toll free: **1-877-832-6090**

www.workers-safety.ca

Workers' Health and Safety Rights

The *Occupational Health and Safety Act* is the law that protects workers' health and safety in Ontario. It is called "the OHSA" for short.

The OHSA looks to prevent worker injury, illness and deaths at work. To do this, it sets out the roles that workers, supervisors and employers play in making the workplace healthy and safe.

The OHSA and Your Rights

"I do not have immigration papers in Canada."

"I know someone working without a legal work permit."

Undocumented workers and workers who do not have a legal work permit are protected by the OHSA.

The OHSA covers almost all workers in Ontario. But, there are some workers that are not covered.

*For example, if you are a live-in caregiver, you are **not** covered by the OHSA.*

It is against the law for your boss to fire you or punish you (or threaten to fire or punish you) for using your health and safety rights.

Note: More information on Undocumented workers can be found on pages 22 and 23.

Your Basic Rights

You have the right to:

- 1) **Know** about health and safety hazards;
- 2) **Refuse** work you think is unsafe; and
- 3) **Make complaints** about health and safety problems at work.

Complaints

“I want to make a health and safety complaint but I am worried about losing my job, so I do not want to complain to my boss.”

You can complain to the Ministry of Labour. The Ministry of Labour is the government department in charge of the OHSA.

The **Ministry of Labour Health & Safety Contact Centre** phone number is **1-877-202-0008** (toll free). You can ask to speak to someone in any language.

- ⇒ **You do not need to tell them your name.**
- ⇒ **Ask for a general inspection if you are worried your boss will find out who called. This is a good idea especially if you work in a small company.**

We understand why you might not want to call the Ministry of Labour. You could be worried about losing your job or being reported to immigration. Please call the **Workers' Health and Safety Legal Clinic** for advice at **1-877-832-6090** (toll free).

The Right to Know

The OHSA says that your boss must tell you about:

- The kinds of work or materials that could hurt you or make you sick.
- The Workplace Hazardous Materials Information System. It is called “WHMIS” for short.

WHMIS says dangerous products must be labelled properly with symbols. The symbols will tell you if the product is dangerous. If you know what the symbols mean, you can protect yourself.

Your boss must have copies of **Safety Data Sheets**, or “SDS” for short. SDS have a lot of information about dangerous products at work and how to protect yourself. Your boss must show you a copy if you ask for one. If you do not understand the information on the SDS, you can take it to your doctor, or your Health and Safety Representative.

Note: A chart of the WHMIS 2015 pictograms and hazard classes can be found on page 8.

Hazard Awareness

Every job has dangers that could lead to injury.

Young workers and newcomers are more likely to get injured or ill in a new job than those who have been working in Ontario for longer.

You should be made aware of dangers in your workplace and be trained on how to keep yourself safe.

- **Chemicals** – gases, dusts, liquids, solids
- **Machinery and Tools** – saws, ladders, computers
- **Equipment** – helmet, gloves, eyewear, shoes
- **Vehicles** – cars, trucks, forklifts
- **Surroundings** – shelves, lighting, debris, spills
- **Electrical** – power chord misuse
- **Health** – hygiene, viruses, bacteria
- **Workplace Violence and Harassment**

Common injuries can occur from:

- Slips, Trips and Falls
- Joint and Muscle Strain (e.g. heavy lifting)
- Repetitive Strain (e.g. carpal tunnel)
- Cuts and Burns

About WHMIS 2015

Thousands of chemical products are used in Ontario workplaces.

To help workers understand these chemicals, Canada created the *Workplace Hazardous Materials Information System*. It is called “WHMIS” for short.

- **Hazard Pictograms** > 10 symbols that immediately show the worker what type of hazard is present.
- **Hazard Classes** > 31 classes based on a material’s properties or its health effects on workers when exposed to the hazard.
- **Hazard Categories** > highlights the *level of hazard* using a numbering system with number **1** always noting the greatest hazard.
- **Hazardous Material Labels** > informs workers of the dangers of products and how to use them safely. The two labels are *Supplier Label* and *Workplace Label*.

Employers are required to develop a worker education program that trains workers specifically with the hazardous products used in their workplace.

Pictogram	Name/Hazard Class Information
	<p>Gas Cylinder <i>Gases Under Pressure</i></p>
	<p>Flame (for flammable hazards) <i>Flammable, Self-Reactive, Self-Heating, Pyrophoric, Flammable Gases Emitted when in contact with Water, Organic Peroxide</i></p>
	<p>Flame Over Circle <i>Oxidizing Hazards</i></p>
	<p>Exploding Bomb (for unstable hazards) <i>Explosive, Self-Reactive, Organic Peroxides</i></p>
	<p>Biohazardous Infectious Materials (for organisms or toxins that cause disease in people or animals)</p>
	<p>Environment (damage to the environment/ozone) <i>Aquatic Toxicity</i></p>

Pictogram	Name/Hazard Class Information
	<p>Corrosion (for corrosive hazards) <i>Serious Eye Damage, Skin Corrosion, Corrosive to Metals</i></p>
	<p>Skull and Crossbones (for very toxic hazards that can cause illness/death with small amounts or short exposures) <i>Acute Toxicity (fatal or toxic)</i></p>
	<p>Health Hazard (for materials that cause serious and long-term health effects) <i>Carcinogenicity, Respiratory Sensitization, Reproductive Toxicity, Specific Target Organ Toxicity, Germ Cell Mutagenicity, Aspiration Hazard</i></p>
	<p>Exclamation Mark (cause less serious health effects) <i>Acute Toxicity (harmful), Irritation (Skin/Eyes), Respiratory/Skin Sensitization, Specific Target Organ Toxicity.</i></p>

Training and Equipment

Education and training are important. Your boss must give you training on how to work with dangerous products, tools, equipment and machinery, and what to do in case of emergencies. Many bosses do not give this training. This is not good for your health and safety at work.

If you want health and safety training, ask your boss first. If you think your boss will punish you for asking or if your boss refuses to give you training, call the **Ministry of Labour** at **1-877-202-0008**.

Remember:

- You do not need to give your name.
- You can call to make a general complaint or ask for a general inspection.
- You can call the **Workers' Health and Safety Legal Clinic** for advice at **1-877-832-6090**.

You can also call the Ministry of Labour if you need safety equipment and your boss will not give it to you.

Be ready to explain what kind of work you are doing and why you think you need safety equipment to protect yourself.

The Right to Refuse

You can say no to work if you think the work you are doing, or the equipment, machines or tools you are using, might hurt you or another worker. You can also say no to work if you think anyone at work could hurt you.

If you think work is unsafe and your boss does not agree, an inspector from the Ministry of Labour will come to investigate. **The inspectors do not usually ask workers about their immigration status.** The Ministry of Labour does not give information to the immigration authorities.

It can be hard to refuse unsafe work. You might be worried about keeping your job. You might be worried that your boss will call immigration to report you. But, it is not worth risking your life and your safety!

If you believe the work you are doing is unsafe, then you should:

- 1)** Report the unsafe work to you boss or supervisor
- 2)** Tell your boss you are refusing unsafe work, and explain why you believe the work is unsafe.
- 3)** Stay in a safe area close to your work space.

Note: A chart of the workplace refusal process can be found on page 15.

WORK REFUSAL

Illustrated by Kevin Tree
Edited by G. D'Iorio

Worker refuses to work because...



She believes the work to be unsafe.



Worker reports problem to supervisor.



Worker representative called in.
Supervisor investigates in the
presence of worker and the
representative.



Does the supervisor agree that the work is unsafe?



DISAGREES

Supervisor disagrees with worker and concludes it is safe.
Worker still believes that the work is unsafe and continues to refuse to work.



A Ministry of Labour Inspector must be called in.
Either the worker or the supervisor can make the request.



Inspector investigates in the presence of worker, supervisor and worker representative.



Inspector prepares a written decision.
Worker may be given other work to do until the inspector makes a decision.



Corrective action taken if so ordered by the MOL inspection.
Worker returns to work.



AGREES

Supervisor agrees with worker that the work is unsafe.



Corrective action taken.



Worker returns to work.



END

In December 2009, four workers died and one was seriously injured when they fell from a broken scaffold at a construction site. Some of the workers were wearing harnesses but none of the safety equipment was used properly.



Photo: Carlos Osorio / Toronto Star

Peter Edwards,
**Scaffold deaths:
Construction
company, owner
fined \$342,500**
(Toronto Star)

Sara Mojtehdzadeh,
**Death of 5th temp
worker at industrial
bakery chain
prompts calls for
criminal probe**
(Toronto Star)



Photo: Randy Risling / Toronto Star

In late September 2019, a fifth temporary agency worker died at North York industrial bakery Fiera Foods. The victim was a long-term temp worker for the factory, and was crushed by a machine that was turned on while he was cleaning it. Temporary agency workers make up 70% of Fiera Foods' workforce.

The Work Refusal Process

First Stage

Worker thinks work is unsafe.
Worker tells their supervisor or boss.
Worker stays in a safe place.



Boss or supervisor investigates in the presence of the worker.

Does the boss or supervisor think that the work could be dangerous for the worker's health or safety?

YES

→ Boss or supervisor fixes the problem.
Worker goes back to work.

NO

→ **Does the worker think the work is safe now?**

YES

→ Worker goes back to work.

NO

→ Worker continues to refuse unsafe work.
Worker stays in a safe place.

Second Stage

Boss or worker calls the Ministry of Labour (MOL).
Worker may be given other work to do.



MOL inspector investigates and talks to the worker, and supervisor or boss.

MOL inspector makes a decision and gives it to the worker, and supervisor or boss.



Changes are made.
Worker goes back to work.

Call the Ministry of Labour at 1-877-202-0008 (toll free)

Violence and Harassment at Work

The OHSA protects workers from violence at work.

Workplace violence happens when someone at work does something that hurts you or could hurt you. It also happens when someone at work says or does something that makes you feel like you could get hurt.

Your boss must investigate complaints about violence at work. If your boss does not do a proper investigation, you can call the **Ministry of Labour** at **1-877-202-0008**. The Ministry of Labour takes violence at work very seriously. Calling the Ministry of Labour is a good option if you are really worried about your safety, especially if you do not want to call the police.

Workplace harassment happens when someone speaks to you or acts towards you in a way that they know (or should know) you do not want. Usually something must happen more than once to be harassment, unless it is very serious.

If you are not doing your job properly, your boss can tell you to do a better job. This is not harassment unless your boss tells you in a way that intimidates you or offends you.

Sexual Harassment at Work

Workplace sexual harassment happens when someone speaks to you or acts towards you in a way that they know (or should know) you do not want, because of your sex, sexual orientation, gender identity or gender expression.

Workplace sexual harassment also happens when a boss, supervisor or manager asks you for sex or tries to start a sexual relationship with you, even though they know you do not want to.

Some examples of sexual harassment include:

- Unwanted touching; Demanding hugs
- Offering benefits, raises or promotions in exchange for dates or sexual favours.
- Not taking 'no' for an answer
- Bragging about sexual ability
- Making sexual jokes

Workplace sexual harassment is serious. Sometimes, one time is enough.

If you think you are suffering harassment or sexual harassment at work and your boss will not investigate, please call the **Workers' Health and Safety Legal Clinic** at **1-877-832-6090**.

Workers' Compensation Benefits

The **Workplace Safety and Insurance Board**, or “the WSIB” for short, is an agency that gives workers' compensation benefits to workers who get hurt or sick because of their job.

The WSIB does not ask workers about their immigration status. Undocumented workers can apply.

Benefits

Workers' compensation benefits are payments you can get from the WSIB if you have to miss work or get medical treatment because your work made you hurt or sick. It usually does not matter if your injury or sickness was your fault.

You have to apply for these benefits. If your application (or “claim”) is approved, the WSIB will:

- pay you if you need time off work to get better; and
- pay for your health care costs.

If you are paid in cash only, you can still apply for benefits. **You should always write down your hours and your pay in case you get hurt or sick at work!** It is very important for the WSIB to know how many hours you worked and how much you got paid.

Workplace Injury: What To Do

If you get hurt or sick because of work:

- 1) Tell your boss right away.
- 2) See a doctor as soon as possible. Tell them that your injury or sickness is because of work. There are some medical clinics where you can see a doctor for free. Please call us for information about these clinics.
- 3) Tell the **WSIB** by calling them at **1-800-387-0750**.

You should apply for workers' compensation benefits **right away**.

You must apply for workers' compensation benefits within 6 months of getting hurt or sick.

Call the **Workers' Health and Safety Legal Clinic** at **1-877-832-6090** if you got hurt or sick more than 6 months ago and you did not apply for benefits.

Sometimes injuries that do not seem important at first can become much worse over time. You should tell the WSIB about your injury or sickness even if you are not sure. The WSIB will decide if you can get workers' compensation benefits.

Talking to the Doctor and the WSIB

Your boss will find out if you apply for workers' compensation benefits.

If you do not want to give the doctor and the WSIB your home address, you can give them a different address. You could use the address of a friend you trust. It is very important that you check your mail often.

Getting Paid vs. Reporting Injury or Sickness

If you get hurt or sick at work, your boss might offer to pay you instead of telling the WSIB. It might seem like your boss is being nice by offering to pay you. But, it is always better to see your doctor right away and tell the WSIB.

Getting Fired or Punished for an Injury or Sickness

It is against the law for your boss to treat you unfairly because of your WSIB claim or disability.

If you think you have been treated unfairly because of your WSIB claim or disability, call the **Workers' Health and Safety Legal Clinic** at **1-877-832-6090**.

Ontario Human Rights Code

The *Human Rights Code* is a law that says everyone in Ontario has the right to be treated equally.

It is against the law for your boss to treat you unfairly based on your:

- Race
- Ancestry
- Ethnic origin
- Creed (*religion*)
- Marital status
- Sex (*includes pregnancy*)
- Sexual orientation
- Gender expression
- Record of criminal offences
- Colour
- Place of origin
- Citizenship
- Age
- Family status
- Gender identity
- Disability

You should not be harassed or discriminated against at work because of any of the reasons listed above.

If you are, call the **Human Rights Legal Support Centre** at **1-866-625-5179** (toll free) or the **Workers' Health and Safety Legal Clinic** at **1-877-832-6090**.

Definitions

Undocumented

You are undocumented if you came to Canada and stayed in Canada without telling the immigration authorities.

Legal Work Permit

A legal work permit is a piece of paper from the government that lets you work in Canada.

You do not have a legal work permit if:

- You were never given a work permit.
- Your work visa expired but you are still working.
- You have a visitor visa or a student visa that does not let you work.
- You came to Canada as a temporary foreign worker or a live-in caregiver with a permit that lets you work for one boss. But now, you are working for a different boss.

If you have questions about your immigration status in Canada, please call the **Workers' Health and Safety Legal Clinic** at **1-877-832-6090**.

Your boss could call (or threaten to call) immigration to report you. You need to be prepared in case this happens.

Steps to Protect Yourself:

- 1) You should only talk about your immigration status with people you trust.**
 - 2) Your boss does not need to know where you live. You can give your boss a different address if you do not want them to know your home address. You could give the address of a friend you trust instead.**
 - 3) If you move to a new house or apartment, you do not need to tell your boss.**
 - 4) You can get picked up and dropped off for work close to your house, instead of at your house.**
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Publication Credits - This booklet was originally written and produced by the Centre for Spanish Speaking Peoples and the Workers' Health and Safety Legal Clinic, and was revised by the Workers' Health and Safety Legal Clinic.

*This publication contains general information.
It is not meant to replace getting legal advice
for your particular situation.*

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