

Empowerment and Self-protection: Occupational Health and Safety for Workers

This PSHSA Fast Fact is intended to help workers, JHSC members, supervisors and managers understand the role of workers in occupational health and safety.

What is a worker? Under the Occupational Health and Safety Act (OHSA), a “worker” is “a person who performs work or supplies services for monetary compensation” (Sec. 1). This includes paid employees at all organizational levels. The term “worker” is usually reserved for a non-management employee, who may or may not be a member of a union. “Non-management employee” is the definition we are using in this Fast Facts.

What Responsibilities do Workers have for OH&S?

The central philosophy of the OHSA is the Internal Responsibility System (IRS). The IRS places the onus for health and safety on all the workplace parties (i.e., management/employers, supervisors and workers) through an internal system of direct responsibility and accountability. It recognizes that all the workplace parties, because of their knowledge, training, experience and commitment, are in the best position to develop and maintain a healthy and safe work environment.

Workers have an individual and personal responsibility to work safely and to ensure that the work environment is safe and healthy. To do this requires continuous awareness, a conscientious attitude and consistent work habits.

Specifically, workers are required to (Sec. 28[1]):

- Work in compliance with the provisions of the OHSA and regulations under the Act.
- Use or wear the equipment, protective devices or clothing that their employer requires to be used or worn.
- Report to their employer or supervisor the absence of, or defects in, any equipment or protective device

that may endanger them or another worker, if they are aware of any.

- Report to their employer or supervisor any contravention of this Act or its regulations or the existence of any hazard.

In addition, workers must not (Sec. 28[2]):

- Remove or make ineffective any protective device required by the regulations or by their employer, without providing an adequate temporary protective device and replacing the permanent protective device as soon as possible.
- Use or operate any equipment, machine, etc., in a manner that may endanger themselves or any other worker.
- Engage in any prank, contest, feat of strength, unnecessary running, or rough and boisterous conduct.

What do Workers Need to Know?

The OHSA and regulations under the Act identify specific requirements for workers. Workers:

- Must be at least 14 years old (Sec. 25[2](f)); the age is prescribed in the Regulation respecting Industrial Establishments (Sec. 4[1](a), (e)).
- May initiate a refusal to work if they have reason to believe that equipment to be used is unsafe, the physical condition of the work area is unsafe and/or the equipment or condition of the work area contravenes this Act or its regulations in such a way that it is a likely source of danger (Sec. 43[3](a), (b), (c)). This, however, is not the case if the “danger” is inherent to the particular person’s job or when the refusal would directly endanger the life, health or safety of another person. This is referred to as a “limited right to refuse unsafe work”.
- Have a right to receive training before using a hazardous material (WHMIS) (Sec. 37[3]).

- May not interfere with any monitoring equipment set up in the workplace (Sec. 62[4]).
- May not knowingly hinder or interfere with a committee member or a health and safety representative performing a duty under the Act (Sec. 62[5](a)).
- Must assist an inspector in carrying out duties under the Act (Sec. 62[2]).
- May not provide false or misleading information to an inspector from the Ontario Ministry of Labour (Sec. 62[3]).
- Have a right to ensure that their medical information and files remain confidential (Sec. 63[1](a)).
- May not be dismissed, disciplined, suspended, threatened, intimidated, coerced or penalized by

the employer, if they have exercised the right to refuse to work or have acted in compliance with the Act or regulations (Sec. 43, Sec. 50[1](a), (b), (c), (d)).

- Must be advised by the employer or person in authority of any hazard in the work and in the handling, etc. of any article, device, etc. (Sec. 25[2](d)).

Need More Information?

Workers' responsibilities cannot be taken lightly. Participation and cooperation of workers are essential to a successful and effective OH&S program. To learn more about what you can do, talk to your supervisor, health and safety professional, JHSC representative or union.