

# Workers' rights

## Explain dangers

Employers have the right to determine and control the work, as long as everything is legal. Workers, however, have the power to protect their health and safety.

## Identify controls

Ontario law spells out the three rights that give workers this power: the right to know, the right to participate, and the right to refuse.

### 1. RIGHT TO KNOW

**Workers have the right to know about workplace health and safety hazards.**

According to the *Occupational Health and Safety Act* (OHSA), employers must provide a wide range of information about workplace hazards to workers and Joint Health and Safety Committees (JHSCs). JHSCs have a duty to communicate with workers.

WHMIS, the Workplace Hazardous Materials Information System, is one example of the right to know. WHMIS is a Canada-wide system designed to protect workers by providing information about hazardous materials on the job.

WHMIS has three main parts:

1. Labels
2. Safety data sheets (SDSs)
3. Worker education and training.

### 2. RIGHT TO PARTICIPATE

**Workers have the right to make recommendations about health and safety.**

Employers must recognize this right to participate. They must consult with JHSCs about methods of testing equipment, substances, or other workplace factors, and about health and safety training programs.

A worker on the JHSC has the right to be present at the beginning of testing, to participate in Ministry of Labour inspections and investigations, to investigate serious accidents, and to inspect the jobsite regularly.

JHSCs have the right to make recommendations to employers about health and safety improvements. Employers must reply in writing within 21 days. Certified worker members have the right to investigate complaints dealing with dangerous circumstances.

### 3. RIGHT TO REFUSE

**Workers have the right to refuse work if they believe it endangers their health and safety.**

The OHSA sets out specific procedures. It's a two-stage process.

You can refuse based on your subjective belief that the work is dangerous. You must inform the supervisor or employer.

Once a supervisor has investigated, you may still have reasonable grounds for believing that the work is dangerous. In this case, you may continue to refuse work. A Ministry of Labour inspector must be called to investigate.

## Demonstrate

Ask your crew the following questions:

- What rights do construction workers have on the job?
- Who are the members of the JHSC on this project?

Show workers the location of the MOL's mandatory *Health & Safety at Work* poster and the mandatory JHSC or H&S Rep poster on the site.