



# Your Rights under the Health and Safety Acts

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# Objectives

- To define what is COVID-19
- To outline the employers' responsibilities regarding pandemics by reviewing the Canada Labour Code and examining to the Ontario Health and Safety Act.
- To identify rights and responsibilities of employees with regard to required training, information, precautions and personal protective equipment (PPE)
- To identify support and redress mechanisms if experiencing workplace issues, including enacting the Right to Refuse Dangerous work



# COVID – 19 defined

- Coronaviruses (CoV) are a large family of viruses that are common and are typically associated with mild illnesses, similar to the common cold.
- A novel coronavirus (nCoV) is a new strain that has not been previously identified in humans.



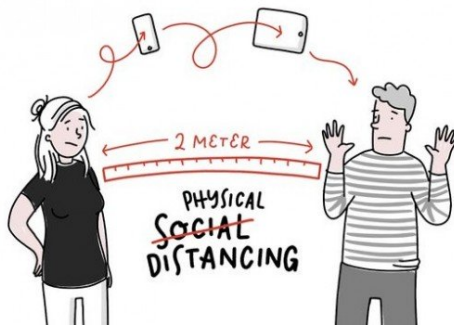
# How a coronavirus spreads

- Human coronaviruses cause infections of the nose, throat and lungs. They are most commonly spread from an infected person through
- Respiratory droplets generated when you cough or sneeze
- Close, prolonged personal contact, such as touching or shaking hands with an infected person and then touching your face and or eyes allowing the viruses to enter your body.



# Somethings you can do to protect yourself

- Wash your hands for at least 20 seconds
- Avoid touching your face
- Don't touch anything you don't have to, especially in public
- Avoid non essential travel
- Clean all high-touched surfaces frequently
- Practice physical distancing – at least 2 meters away from another person



# What is physical (social) distancing

- In order to decrease transmission of COVID-19, Public Health is now recommending that all residents practice physical (social) distancing. Physical distancing involves taking steps to limit the number of people to come into close contact with you.





 **KEEP**  **A SAFE**  **DISTANCE** 

Using physical distancing techniques, such as using telephone, video conferencing, or the internet to conduct as much business as possible (including within the same building), allow employees to work from home, or to work flexible hours to avoid peak public transportation times or crowding the workplace.

This is the point many workplaces are at, and where most of the issues originate, when some are essential (or critical) to the operation of the workplace.



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Your rights under the law,  
Canada Labour Code and  
the Occupational Health and  
Safety Act part



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# What is a Danger

- The definition of danger reads as follows:
- "any hazard, condition or activity that could reasonably be expected to be an imminent or serious threat to the life or health of a person exposed to it before the hazard or condition can be corrected or the activity altered." CLC
- (OHSA) gives a worker the right to refuse work that he or she believes is unsafe to himself/ herself or another worker. A worker who believes that he or she is endangered by workplace violence may also refuse work



# Sections of the Canada Labour Code

- 122.1 (...) to prevent accidents and injury to health arising out of, linked with or occurring in the course of employment to which this Part applies.

Preventive measures:

- 122.2 Preventive measures should consist first of the elimination of hazards, then the reduction of hazards and finally, the provision of personal protective equipment, clothing, devices or materials, all with the goal of ensuring the health and safety of employees.



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- Section 124. states that every employer shall ensure that the health of safety at work of every person employed by the employer is protected.
- Nothing else in any part of the code or its regulations takes away from or diminishes this statement
- Section 125 (1) states without restriction the generality of section 124, every employer shall, in respect to every workplace controlled by the employer and in respect to every work activities carried out by an employee in a workplace that is not controlled by the employer, to the extent that the employer controls the activity.



# Specific Responsibilities cont.

- (i) provide proscribed sanitary and personal facilities;
- (l) provide every person granted access to the work place by the employer with prescribed safety materials, equipment, devices and clothing;
- (n) ensures that the level of ventilation, lighting temperature, humidity, sound and vibration, are in accordance with prescribed standards;
- (q) provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work;

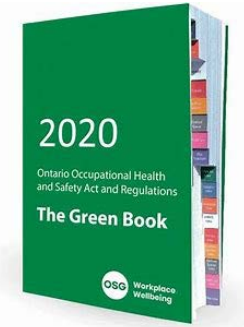


# Specific Responsibilities cont.

- (s) ensure that each employee is made aware of every known or foreseeable health or safety hazard in the area where the employee works;
- (y) ensure that the activities of every person granted access to the work place do not endanger the health and safety of employees;
- (z) ensure that employees who have supervisory or managerial responsibilities are adequately trained in health and safety and are informed of the responsibilities they have under this Part where they act on behalf of their employer;
- (z.01) ensure that members of policy and work place committees and health and safety representatives receive the prescribed training in health and safety and are informed of their responsibilities under this Part;



# Ontario Occupational Health and Safety Act



## 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.



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# Ontario Occupational Health and Safety Act cont.

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.



# Policy Committee Role in Federal Jurisdictions

- z.03) develop, implement and monitor, in consultation with the policy committee or, if there is no policy committee, with the work place committee or the health and safety representative, a prescribed program for the prevention of hazards in the work place appropriate to its size and the nature of the hazards in it that also provides for the education of employees in health and safety matters;
- (z.04) where the program referred to in paragraph (z.03) does not cover certain hazards unique to a work place, develop, implement and monitor, in consultation with the work place committee or the health and safety representative, a prescribed program for the prevention of those hazards that also provides for the education of employees in health and safety matters related to those hazards;





# Policy Committee Role in Federal Jurisdictions cont.

- (z.05) consult the policy committee or, if there is no policy committee, the work place committee or the health and safety representative to plan the implementation of changes that might affect occupational health and safety, including work processes and procedures;
- (z.06) consult the work place committee or the health and safety representative in the implementation of changes that might affect occupational health and safety, including work processes and procedures;



# Right to refuse Federal and Provincial

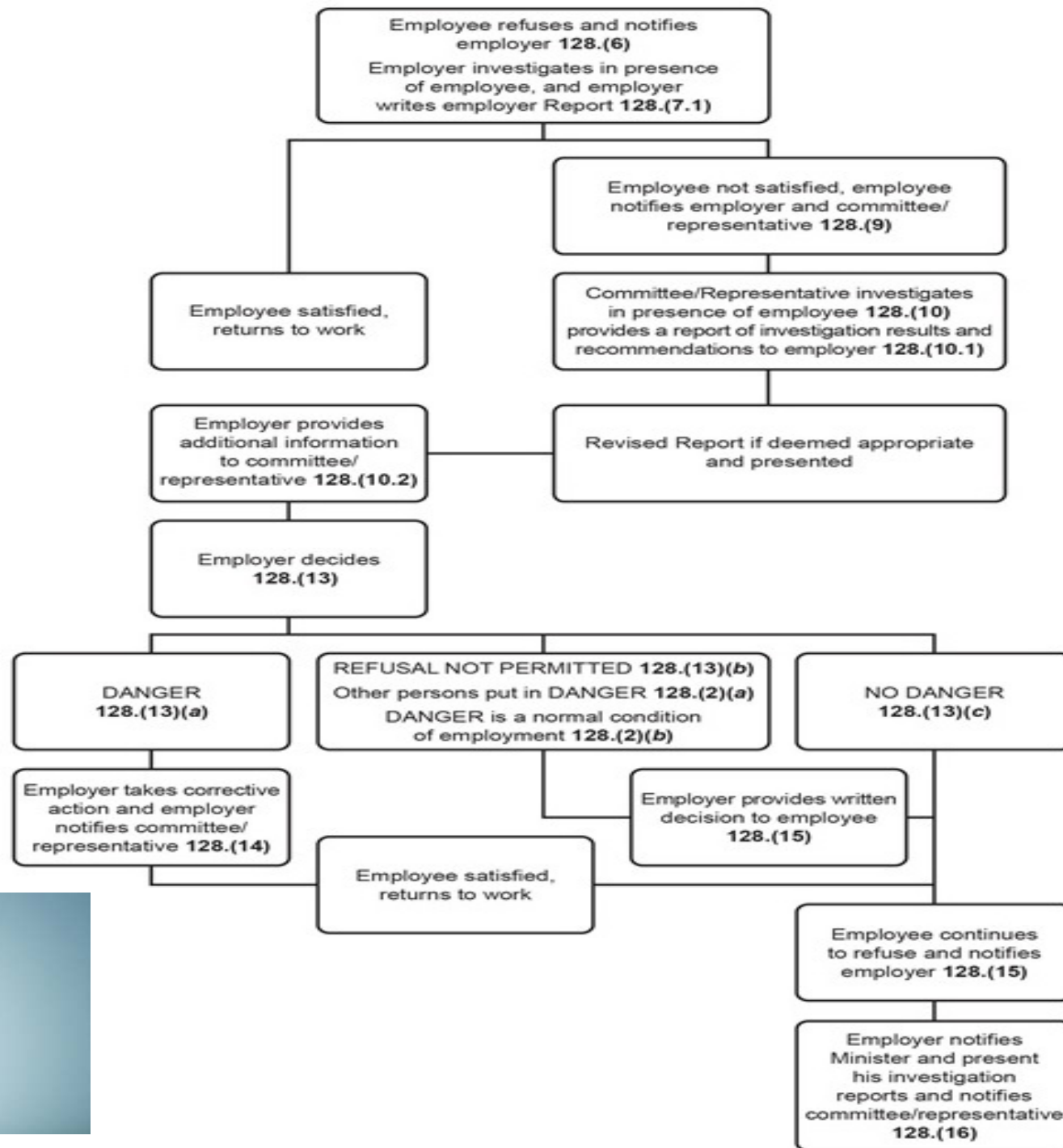


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# Federal jurisdiction

- Any employee may exercise his or her right of refusal to work. The proper redress mechanism established in accordance with subsection 128(7) of the Code shall be followed. The selection of the redress mechanism is revocable if the employer and employee agree and the parties agree that, if no solution is found under the Directive, either party can use the legislated process provided under the Code and its pursuant applicable regulations and request the intervention of a labour health and safety officer of HRSDC.
- For more information about this procedure contact your PSAC Regional office.





# Provincial jurisdiction

- **Refusal to work**
- 43(3) A worker may refuse to work or do particular work where he or she has reason to believe that,
  - (a) any equipment, machine, device or thing the worker is to use or operate is likely to endanger himself, herself or another worker;
- For more information please contact your Regional Office



# Procedure for a work refusal under Provincial Legislation

## First stage

1. Worker considers work unsafe.
2. Worker reports refusal to his/her supervisor or employer. Worker may also wish to advise the worker safety representative and/or management representative. Worker stays in safe place.
3. Employer or supervisor investigates in the presence of the worker and the worker safety representative.
4. Either:
  - a. **Issue resolved.** Worker goes back to work.
  - b. **Issue not resolved.** Proceed to the second stage



# Provincial process continued

## Second stage

1. With reasonable grounds to believe work is still unsafe, worker continues to refuse and remains in safe place. Worker or employer or someone representing worker or employer calls MOL.

2. MOL Inspector investigates in company of worker, safety representative and supervisor or management representative.\*

3. Inspector gives decision to worker, management representative/supervisor and safety representative in writing.



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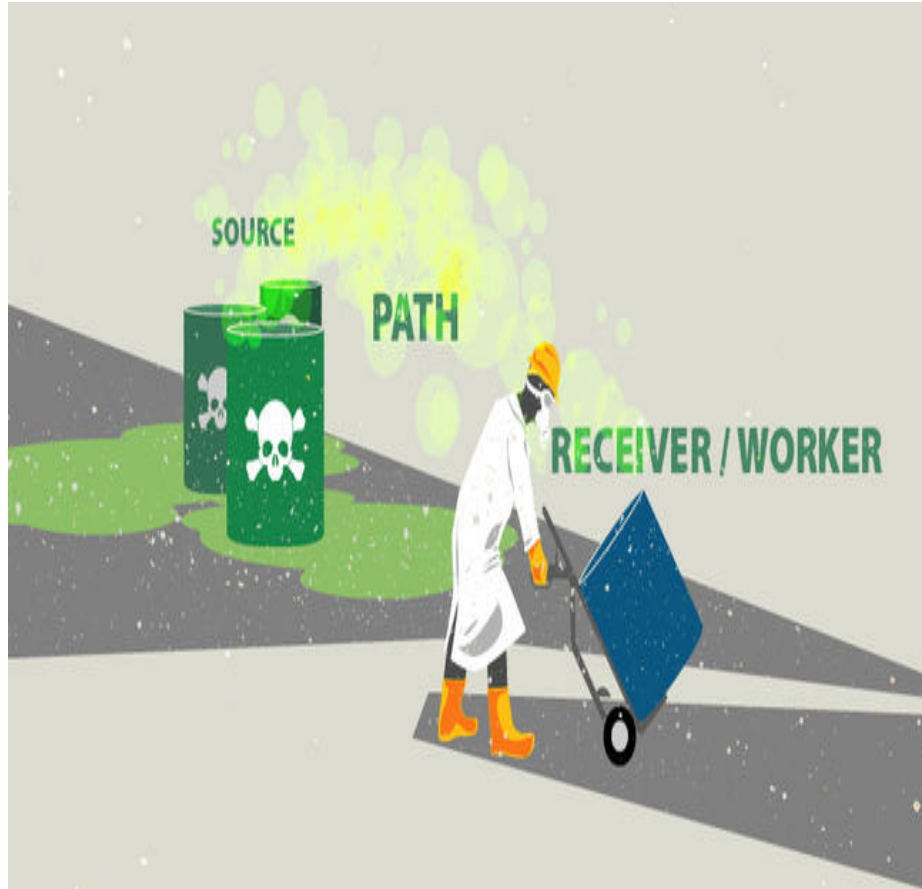
# Provincial process continued

4. Changes are made if required or ordered. Worker returns to work.
- \* Pending the MOL investigation:
  - The refusing worker may be offered other work if it doesn't conflict with a collective agreement
  - Refused work may be offered to another worker, but management must inform the new worker that the offered work is the subject of work refusal. This must be done in the presence of:
    - a member of the joint health and safety committee who represents workers; or
    - a health and safety representative, or
    - a worker who because of his or her knowledge, experience and training is selected by the trade union that represents the worker or, if there is not trade union, by the workers to represent them





# Workplace should have an infection control plan



- Provide clean hand washing facilities
- Offering alcohol-based hand sanitizer when regular facilities are not available
- Clean objects that are touched frequently such as doorknobs, handles, railings, kettles, etc. more often with regular disinfectants.
- Provide PPE – personal protective equipment where no other options are available
- Remembering that the three levels of protecting workers are;
  1. At the source->along the path-> at the worker (receiver)



# Recourses



- <https://www.ccohs.ca/>
- [Home - CMHA National - Canadian Mental Health Association](#)
- [cmha.ca](http://cmha.ca)
- [www.psaunion.ca/covid-19](http://www.psaunion.ca/covid-19)
- Canadian Centre for Occupational Health and Safety - [www.ccohs.ca](http://www.ccohs.ca)
- Your provincial health authorities
- Health Canada- <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection.html>
- World Health Organization- <https://www.who.int/>



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# Canadian Centre for Occupational Health and Safety

## Courses

- [Pandemic Planning](#)
- [Mental Health: Health and Wellness Strategies](#)
- [Mental Health: Signs, Symptoms and Solutions](#)
- [Mental Health: Psychologically Healthy Workplaces](#)
- [Mental Health: Communication Strategies](#)
- [Musculoskeletal Disorders Prevention](#)
- [Office Ergonomics](#)
- [Pandemic Awareness](#)
- [Mental Health: Awareness](#)
- [Musculoskeletal Disorders Awareness](#)

## Publications (PDF free download)

- [Emergency Response Planning Guide](#)
- [Telework and Home Office Health and Safety Guide](#)
- [Flu and Infectious Disease Outbreaks Business Continuity Plan](#)



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Thank you, your participation is appreciated

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