

Workers Guide

HEALTH & SAFETY



RESOURCES

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[Health & Safety - CUPE Local 5167 \(cupe5167.org\)](http://cupe5167.org)

Information links:

[Workplace Safety & Prevention Services | WSPS](#)

[RSO 1990, c O.1 | Occupational Health and Safety Act | CanLII](#)

[Workplace Hazardous Materials Information System - A guide to the legislation | ontario.ca](#)

CUPE National links:

[Health and Safety | Canadian Union of Public Employees \(cupe.ca\)](#)

[Health and Safety Fact Sheets | Canadian Union of Public Employees \(cupe.ca\)](#)

[Mental health toolkit | Canadian Union of Public Employees \(cupe.ca\)](#)



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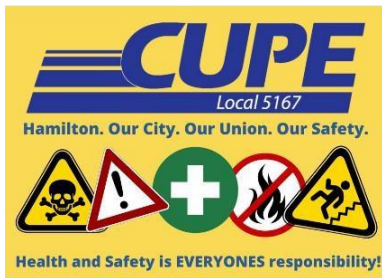
INTRODUCTION

This **guide does not replace** the *Occupational Health and Safety Act* (OHSA) and its regulations. It is meant to provide an overview of health and safety in the workplace and the role of the joint health and safety committee (JHSC).

Health and safety affects every workplace in every industry. Some more than others. We all have a responsibility to participate in ensuring our workplaces is safe and healthy. The OHSA Act provides us with a framework of rules and regulations to preventing harm.

Don't forget to report all health and safety concerns to your direct supervisor and JHSC Worker Rep. You may need to complete an incident form as well.

Joint Health and Safety Committees (JHSC) are composed of worker and employer representatives that meet regularly to review identified issues, as well as performing workplace inspections. Do you know who your JHSC Worker Rep is?



Know your Rights in the Workplace!

Right to Know

Right to Participate

Right to Refuse Unsafe Work



Workers have the right to:

- **Know** about workplace hazards and what to do about them.
- **Participate** in solving workplace health and safety problems.
- **Refuse** work they believe is unsafe.

RIGHT TO KNOW

Workers have the right to know information that impacts the workplace and themselves. For example, if they work with any chemical or biohazardous materials, they should be provided with appropriate training, personal protective equipment (PPE), and information (WHIMIS - MSDS).

Workers should know where emergency exits are in the workplace or off sites they may visit. This should include any emergency procedures.

Workers need to know how to report a workplace accident or incident.

When an employee is hired, they are often given this information, however, it is a great practice to review this information and know where to find more information.

Each workplace should have a **HEALTH AND SAFETY BOARD (H&S)**.

This is not the union board. **WHIMIS** information may be found here as well.

The H&S board should have the following information posted:

- JHSC list of members (JHSCs are legally required with 20 or more employees. At least 2 certified members, 1 employer, 1 worker).
- JHSC Terms of reference.
- JHSC Meeting minutes.
- Employment Standards in Ontario Poster.
- Ontario's Occupational Health and Safety Act (The Green Book).
- Health and Safety at Work: Prevention Starts Here Poster.
- Any employer health and safety policies.
- Any employer workplace violence and harassment policies.



- WSIB in Case of Injury Poster.
- Name of certified First Aiders (WSIB Regulation 1101 - All employers covered by the Workplace Safety and Insurance Act are required to have first aid equipment, facilities and trained personnel in all workplaces)

RIGHT TO PARTICIPATE

Every worker has the right to provide input to ensure the health and safety of the workplace.

Right to participate:

- JHSC Worker Co-Chair or Representative roles.
- Access to JHSC information about inspections and meeting minutes.
- Communicate with JHSC worker representative.
- Report concerns.
- Make suggestions.
- Electing JHSC Worker Reps (they may be appointed to the Co-Chair role once on the JHSC, Workers choose their Co-Chair)

RIGHT TO REFUSE

Every worker has the right to refuse unsafe work, this includes being endangered by workplace violence. Make sure you let your JHSC Worker Rep know, as well as the Second Vice President.

The right to refuse unsafe has a few exceptions for specific types of workers in specified circumstances. For further information, please refer to subsections 43(1) and (2) of the Act.

You must follow the work refusal procedure.

RIGHT TO REFUSE – WORK REFUSAL PROCEDURE

Occupational Health and Safety Act, Sections 43 to 50

First Stage

Worker considers work unsafe.



Worker reports refusal to his/her supervisor or employer.

Worker should also advise the Second Vice President and Worker Representative.

Stays in safe place.



Employer investigates in the presence of the worker and the worker representative.



Issue Resolved

Worker goes back to work.



Issue Not Resolved

proceed to the second stage

Second Stage

With reasonable grounds to believe work is still unsafe,
worker continues to refuse and remains in safe place.

The **Ministry of Labour** is called by the employer or worker representative.

It is important to email secondvp@cupe5167.org as well.



Ministry of Labour Inspector investigates in consultation with the worker, safety representative
and supervisor or management representative. *



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



Changes are made if required or ordered.
Worker returns to work.

***Pending the Ministry of Labour 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 a 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 no trade union, by the workers to represent them.

[Refusing unsafe work: It's your right | Canadian Union of Public Employees \(cupe.ca\)](https://cupe.ca)

Can I be disciplined or fired for refusing to work or raising concerns?

You cannot be disciplined for complying with the legislation, and there are provisions in the law to protect you from reprisals.

If your employer or supervisor takes actions, makes remarks, or implies that you will be disciplined for refusing unsafe work, contact your union immediately.