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Legal Information

The [Occupational Health and Safety Act \(OHSA\)](#) gives employers the greatest responsibility for health and safety in the workplace. This can include things like training, providing safety equipment, maintenance of machines, having safety information available and setting up health and safety committees.

The *OHSA* gives most workers the right to refuse unsafe work. The Ministry of Labour site noted below sets out the process workers must follow.

The *OHSA* prohibits reprisals by the employer against any employees who assert their rights under the *OHSA*. A reprisal means any type of discipline or termination. If you believe that your employer has disciplined you because you tried to assert your rights, contact us immediately for further assistance. The Ontario Labour Relations Board has very broad powers which can include reinstatement and other remedies if there has been an employer reprisal.

The *OHSA* also requires that employers have a Workplace Violence and Workplace Harassment policies and programs including reporting and investigation measures.

The *OHSA* does not apply to workplaces that are governed by federal laws such as: banks, broadcasting, airlines, postal services, telecommunications, cross-border and inter-provincial trucking and some other transportation services. Workers that are subject to federal laws have protection under Part 2 of the *Canada Labour Code (CLC)* and the Canada Occupational Health and Safety Regulations.

Resources:

- Steps to Justice – Safety at Work: <https://stepstojustice.ca/legal-topic/employment-and-work/safety-work/>
- Ministry of Labour, Workplace Health and Safety: www.ontario.ca/page/workplace-health-and-safety;
(Right to Refuse Work: www.ontario.ca/document/guide-occupational-health-and-safety-act/part-v-right-refuse-or-stop-work-where-health-and-safety-danger)
- Workplace Harassment: www.ontario.ca/page/preventing-workplace-violence-and-workplace-harassment
- Employment and Social Development Canada – OHS in federally regulated workplaces: <https://www.canada.ca/en/employment-social-development/services/health-safety/workplace-safety.html>
- Canadian Centre for Occupational Health and Safety: <https://www.ccohs.ca/>
- Workers' Health and Safety Legal Clinic: <https://workers-safety.ca/>
- Occupational Health Clinics for Ontario Workers: www.ohcow.on.ca
- Office of the Worker Adviser: <https://www.owa.gov.on.ca/en/welcome/>

IMPORTANT: THIS TIP SHEET IS FOR INFORMATION PURPOSES ONLY AND IS **NOT** LEGAL ADVICE

www.communitylegalcentre.ca