

Employee Rights and Responsibilities

This is to be distributed in the new-hire Welcome Package (Appendix 2.A), or displayed as a poster/notice in an area accessible to employees. It is important employees are aware that not only do they have a right to a harassment-free workplace, but they have a legal obligation to ensure this is the case.

EMPLOYEE RIGHTS

HUMAN RIGHTS

According to the Ontario Human Rights Council, employees have the right to:²³

- > Work free from harassment and discrimination.
- > Have human rights complaints taken seriously, and remedied swiftly.

SAFETY

According to the Ontario Health and Safety Act (OHSA), produced by the Ontario Ministry of Labour, all employees have the right to:²⁴

- > Participate in identifying and solving health and safety concerns.
 - o In a workplace with 6-19 employees there must be at least one (1) health and safety representative selected by the workers they represent.
 - o In a workplace of 20-49, (or a construction project three months or longer with 20 or more employees) there must be a Joint Health and Safety Committee (JHSC) with at least two (2) members.²⁵
 - o In a workplace of 50 plus employees there must be a JHSC with four (4) or more members.
- > Know about any hazards to which they may be exposed (outlined in further detail in WHMIS).

²³ Ontario Human Rights Commission. "Legal Responsibility for Human Rights at Work." Queen's Printer for Ontario. Web.

²⁴ Ontario Ministry of Labour. In the Workplace: FAQs. Government of Ontario, June 2009. Web.

²⁵ Ontario Ministry of Labour. A Guide for Joint Health and Safety Committees and Health and Safety Representatives in the Workplace. Queen's Printer for Ontario, 2015. Print.

EMPLOYEE RESPONSIBILITIES

HUMAN RIGHTS

Employees are legally responsible for:

- > Treating coworkers with respect, and without harassment or discrimination, as per the Ontario Human Rights Code.
- > Participating in offered human rights training.
- > (If seeking work accommodations), declaring the existence of the need, and identifying necessary accommodations.

SAFETY

Workers have a general duty to take responsibility for personal health and safety, which means they should not behave or operate equipment in a way that would endanger themselves or others. Section 28 of OHS Act lists additional specific duties:

- > Familiarize yourself with the Ontario Health and Safety Act.²⁶
- > Work in compliance with the Act and regulations.
- > Use any equipment, protective devices or clothing required by the employer.
- > Tell the employer or supervisor about any known missing or defective equipment or protective device that may be dangerous.
- > Report any known workplace hazard or violation of the Act to the employer or supervisor.
- > Not remove or make ineffective any protective device required by the employer or by the regulations.

The main way that workers can participate in workplace health and safety is through exercising their rights and duties in a responsible manner and by supporting their Joint Health and Safety Committee (JHSC). The JHSC is made up of worker and management representatives and has the power to:

- > Identify hazards.
- > Obtain information from employer.
- > Make recommendations to employer.
- > Investigate work refusals.
- > Investigate serious accidents.

²⁶ Occupational Health and Safety, Ministry of Labour. "Workplace Violence and Harassment: Understanding the Law." ServiceOntario. Queen's Printer for Ontario, 2010. Print.