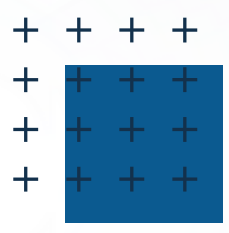


# REQUIREMENTS FOR SMALL BUSINESSES

## IN ONTARIO: POLICIES, TRAININGS, & POSTINGS

### GUIDEBOOK

2023



# CULTURED+R

Practical Experience.  
Passionate Leadership.

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**Passionate Leadership.**

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(519) 546-7743

[info@culturedhr.com](mailto:info@culturedhr.com)

Guelph, Ontario

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*Practical experience.  
Passionate leadership.*

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## Overview

To ensure workers know and understand their legal rights, employers in Ontario must provide specific trainings, postings in the workplace, and have written policies/procedures for their employees to access.

This guide details requirements of Ontario workplaces (< 50 employees) and provides additional suggestions above and beyond what is legally required.

*Please note: not all requirements apply to every business. Links to training, posters, and more information are hyperlinked in the text. If you have any questions or need help getting started, please reach out to [info@culturedhr.com](mailto:info@culturedhr.com)*

## Policies, Trainings and Postings Checklist

You may refer to this checklist when completing legal requirements and hiring new staff.

### **Posters Required in the Workplace**

- 1. [Employment Standards Act \(ESA, 2000\)](#)
- 2. [Occupational Health and Safety Act](#)
- 3. [Health & Safety at Work: Prevention Starts Here](#)
- 4. [In Case of Injury or Illness at Work \(if workplace is covered by WSIB\)](#)
- 5. [Smoke Free Ontario Act](#)

### **Policies & Postings Required in the Workplace**

- 1. [Health and Safety Policy \(1+ Employee\)](#)
- 2. [Workplace Violence and Harassment Program & Policy \(1+ Employee\)](#)
- 3. [Establish and Post: Health and Safety Representative/JHSC \(6+ Employees\)](#)
- 4. [Plan and Post: Pay Equity \(10+ Employees\)](#)
- 5. [Disconnecting from Work Policy \(25+ Employees\)](#)
- 6. [Electronic Monitoring of Employees Policy \(25+ Employees\)](#)

### **Trainings Required in the Workplace**

- 1. [Accessibility for Ontarians with Disabilities Act \(AODA\) \(1+ Employee\)](#)
- 2. [Health & Safety Awareness Training \(OHSA\) \(1+ Employee\)](#)
- 3. [Workplace Hazardous Material Information System \(WHMIS\) \(1+ Employee\)](#)
- 4. [Workplace Violence and Harassment Training \(1+ Employee\)](#)

## Posters Required in the Workplace

### 1. Employment Standards Act (ESA, 2000)

All workplaces covered by the *Employment Standards Act* **must distribute** an [employment standards poster](#) to all employees within thirty (30) days of the employee's date of hire.

Employers may choose to provide the poster as:

- A printed copy.
- An email attachment.

We recommend attaching the poster to a new hire's offer of employment or any time a new agreement is issued.

### 2. Occupational Health and Safety Act (OHSA)

All workplaces covered by the *Occupational Health and Safety Act* **must post**:

- a copy of the [Occupational Health and Safety Act](#) (sometimes referred to as the "Green Book" in a conspicuous location in the workplace (e.g. Health and Safety Board).

You may:

- [download and print the act](#) (free).
- order hardcopies from [ServiceOntario Publications](#) (\$8 each).

[Find out if your workplace is covered by OHSA.](#)

### 3. Health & Safety at Work: Prevention Starts Here

All workplaces covered by the *Occupational Health and Safety Act* **must post** a "Health and Safety at Work: Prevention Starts Here" poster.

This poster:

- outlines the rights and responsibilities of workers, supervisors and employers under the *Occupational Health and Safety Act*.
- includes a Ministry of Labour, Immigration, Training and Skills Development telephone number (1-877-202-0008) to report critical injuries, fatalities, and work refusals.
- can be printed in colour or black and white.
- must be displayed in English and the majority language of the workplace.
- must be printed on paper that is at least 8.5 × 11 inches (letter size).

You can:

- order hardcopies from [ServiceOntario Publications](#) (free).
- [download and print the poster](#) (free).

### 4. In Case of Injury or Illness at Work (WSIB)

**Employers who are covered by the Workplace Safety and Insurance Board (WSIB) must post an [in case of injury poster in the workplace](#).**



This poster:

- is from the Workers Safety and Insurance Board (WSIB).
- outlines the steps workers and employers need to take if there is an injury at work.
- must be displayed prominently in the workplace.

By law, the WSIB's "In Case of Injury" poster (Form 82) must be prominently displayed in every workplace covered by the WSIB (e.g., Health and Safety Board). They will mail a copy of this poster to employers when they first register, along with a welcome package that lets new employers know what they need to know.

[Find out if your workplace is covered by \(WSIB\).](#)

## 5. Smoke Free Ontario Act

You **must post** no smoking and no vaping signs if you are an employer or owner (proprietor) of an:

- enclosed workplace,
- enclosed public place, or
- other smoke-free and vape-free places as described in the Smoke-Free Ontario Act, 2017 or Ontario Regulation 268/18.

You must post enough of either both the individual tobacco signs and the individual electronic cigarette signs, or the combined tobacco and electronic cigarette signs, at each entrance, exit and washroom to ensure employees and the public know they cannot smoke tobacco or cannabis (medical or recreational) or vape anything there.

You can:

- order these signs from your [local public health unit](#) (exception: Electronic Cigarette Sign).
- download the PDF and print an exact copy ([Tobacco Sign for Employers](#), [Electronic Cigarette Sign for Employers](#), [Tobacco and Electronic Cigarette Sign for Employers](#)).

## Small Business (<50 Employees) Policy Requirements

Below are the legally required policies for small businesses (< 50 Employees):

### 1. Health and Safety Policy (1+ Employee)

Under the OHSA, an employer must prepare and review at least once a year a written occupational health and safety policy and must develop and maintain a program to implement that policy. It is recommended that this be posted in a conspicuous location in the workplace e.g., Health and Safety Board.

The Health and Safety Policy should be clear and understandable by everyone. A policy statement should reflect management's commitment, support and attitude to the health and safety program for the protection of workers. **This statement should be signed by the**



**employer and the highest level of management at the workplace**, thus indicating employer and senior management commitment.

**If your workplace has five (5) or fewer regularly employed workers you do not need to put the policies in writing, unless ordered by an inspector and it may be delivered verbally.**

## 2. Workplace Violence and Harassment Policy and Program (1+ Employees)

**Workplace violence** is defined as “*the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker, an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker, a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.*”

**Workplace harassment** is defined as “*engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome*” and includes workplace sexual harassment.

**All employers who are covered by the OHSA** must prepare policies with respect to workplace violence and workplace harassment and review them at least once per year. **In a workplace where there are six (6) or more regularly employed workers, the workplace violence and harassment policies are required to be in writing and posted in the workplace.**

**If your workplace has five (5) or fewer regularly employed workers you do not need to put the policies in writing, unless ordered by an inspector. Your Workplace Violence and Harassment policy may be delivered verbally.**

Employers must set up and maintain training programs to implement workplace violence harassment policies. A workplace **violence** program must include the following:

- measures and procedures to control risks identified in an assessment of risks as likely to expose a worker to physical injury
- measures and procedures for workers to report incidents of workplace violence
- measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur, and
- how the employer will investigate and deal with incidents or complaints of workplace violence.

A workplace **harassment** program must include the following:

- measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor, and to another person if the employer or supervisor is the alleged harasser
- how incidents or complaints of workplace harassment will be investigated and dealt with
- how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed



unless necessary for the purposes of investigating the incident or complaint, or for taking corrective action, or is otherwise required by law

- how certain workers will be informed of the results of the investigation and of any corrective action.

The workplace harassment program must be in writing and must be developed and maintained in consultation with the Joint Health and Safety Committee (JHSC) or Health and Safety Representative, if any.

### 3. Establish and Post: Health and Safety Representative or JHSC (6+ Employees)

In workplaces that require an employer to establish a Health and Safety Representative or a Joint Health and Safety Committee (JHSC), **you must post the name(s) and work locations of these individual(s)** in a place where they are easy for employees to find (e.g., Health and Safety Board).

Number of Workers	Legislative Requirement
1 to 5	You are <u>not required</u> to have a JHSC or a health and safety representative unless a designated substance regulation applies to your workplace.
6 to 19	You are required to have one *health and safety representative who is selected by the workers they represent and does not have any managerial functions. If a designated substance regulation applies to your workplace, you are required to have a JHSC.
20 to 49	You are required to have a JHSC. The committee must have at least two (2) *certified members.
50 or more	You are required to have a JHSC. The committee must have at least four (4) members. Two (2) of the four (4) members need to be *certified.

\* For more information on **JHSC certification** click [here](#):

\* For more information on **Health and Safety Representative training** click [here](#)

### 4. Plan and Post: Pay Equity (10+ Employees)

Ontario's *Pay Equity Act* requires every provincially regulated employer with 10 or more employees to achieve pay equity in the workplace.

The Pay Equity Commission outlines procedures for determining employer definitions, employee definitions, and job classes (including the gender and job rate of job classes) in order to show that pay equity has been achieved.

Here is a guide to interpreting the *Pay Equity Act* setting out how to implement pay equity requirements and other information is available: <https://payequity.gov.on.ca/diytoolkit/>



## **Employers subject to Part II of the *Pay Equity Act* must prepare and post pay equity plans.**

### 5. Disconnecting from Work Policy (25+ Employees)

Employers that employ 25 or more employees are **required to have a written policy** on disconnecting from work in place for all employees. They **are also required to provide a copy of the written policy to all employees.**

The term “disconnecting from work” is defined in the ESA to mean not engaging in work-related communications, including emails, telephone calls, video calls or sending or reviewing other messages, to be free from the performance of work.

Beginning in 2023, and in the years that follow, employers that employ 25 or more employees on January 1 of any year must have a written policy on disconnecting from work in place before March 1 of that year.

### 6. Electronic Monitoring Policy (25+ Employees)

Employers that employ 25 or more employees on January 1 of any year are required to have a written policy on the electronic monitoring of employees in place.

The policy must state whether or not the employer electronically monitors employees. If the employer does, the policy must include:

- a description of how and in what circumstances the employer may electronically monitor employees.
- the purposes for which the information obtained through electronic monitoring may be used by the employer.
- the date the policy was prepared (the date must include the day, month, and year).
- the date any changes were made to the policy.

**An employer must, within the specified timeframes, provide a copy of the written policy to all of its employees** and to all assignment employees who are assigned to perform work for that employer.

Beginning in 2023, and in the years that follow, employers that employ 25 or more employees on January 1 of any year must have a written policy on the electronic monitoring of employees in place before March 1 of that year.

## **Workplace Training Requirements**

The sections below highlight all training requirements for new employees. Links to free training are also provided.



## 1. Accessibility for Ontarians with Disabilities Act (AODA) and Ontario Human Rights Code (1+ Employee)

The regulation applies to organizations with at least one employee, and that provide goods, services, or facilities.

Under the regulation, businesses and organizations are divided into five classes:

1. The Government of Ontario and the Legislative Assembly
2. Large designated public sector organizations with 50 or more employees
3. Small designated public sector organizations with 1 to 49 employees
4. Large organizations with 50 or more employees
5. Small organizations with 1 to 49 employees

Your organization's requirements and timelines for compliance depend on which of these classes it falls under.

Organizations **must provide** training on the requirements of the regulation as it relates to a person's duties – and on the Ontario Human Rights Code as it relates to people with disabilities.

Training must be provided to:

- All existing and new employees and volunteers
- People who participate in developing your organization's policies
- Other people who provide goods, services, or facilities on behalf of your organization

Organizations are also required to provide training when the organization's accessibility policies change.

All organizations **except** small organizations must keep a record of the training provided, including the dates the training took place and the number of individuals trained.

Item	Requirements	Designated public sector	Business and non-Profit sector <sup>1</sup>	
		1+ employees in Ontario	1-49 employees in Ontario	50+ employees in Ontario
1.	Provide accessible customer service training	Yes	Yes	Yes
2.	Provide training on the Human Rights Code	Yes	Yes	Yes
3.	Provide accessibility training on work relevant to staff duties	Yes	Yes	Yes
4.	Maintain training records	Yes	Not required	Yes

Free training can be found on the [AccessForward](#) and [Ontario Human Rights Commission](#) websites.

## 2. Health & Safety Awareness Training (OHSA) (1+ Employee)

There are two training modules: one for general workers and one for supervisors. Once completed, employees will receive a “Proof of Completion” certificate, which should be added to their training file.

**Worker Health & Safety Awareness in 4 Steps:** Workers can take this training program to meet the requirement for basic occupational health and safety awareness training under Ontario Regulation 297/13.

**Supervisor Health & Safety Awareness in 5 Steps:** Supervisors can take this training program to meet the requirement for basic occupational health and safety awareness training under Ontario Regulation 297/13.

Free training can be found on the [Ministry of Labour](#) website.

## 3. Workplace Hazardous Material Information System (WHMIS) (1+ Employee)

The *Occupational Health and Safety Act* (OHSA) generally requires employers to ensure hazardous products are identified, to obtain safety data sheets and make them available in the workplace and to provide instruction and training to workers.

In Canada, there must be a WHMIS program in place in any workplaces where hazardous products are present. Workers must be educated and trained so they understand the hazards and know how to work safely with hazardous products.

All workers who work with a hazardous product, or who may be exposed to a hazardous product as part of their work activities must learn about the hazard information for these products. The hazard information should include the information received from the supplier, as well as any other information that the employer is aware of about the use, storage, and handling of each product.

Ontario's WHMIS legislation applies to all workplaces covered by the Occupational Health and Safety Act, with the exception of farms.

## 4. Workplace Violence and Harassment Training (1+ Employee)

All workers should be aware of the employer's workplace violence and harassment policies and programs. For **workplace violence**, workers should:

- know how to summon immediate assistance when workplace violence occurs or is likely to occur
- know how to report incidents of workplace violence to the employer or supervisor
- know how the employer will investigate and deal with incidents, threats, or complaints of workplace violence
- know, understand and be able to carry out the measures and procedures that are in place to protect them from workplace violence, and

- be able to carry out any other procedures that are part of the program.

For **workplace harassment**, workers should:

- know how to report incidents of workplace harassment to the employer or supervisor
- know how to report incidents of workplace harassment where the employer or supervisor is the alleged harasser
- know how the employer will investigate and deal with incidents or complaints of workplace harassment
- know how information about an incident or complaint of workplace harassment will be kept confidential unless disclosure is necessary for investigating or taking corrective action, or is otherwise required by law
- know that the results of an investigation and any corrective actions will be provided to the worker who alleged workplace harassment and to the alleged harasser (if the alleged harasser is a worker of the same employer).

CulturedHR can also help you design a training plan that is specific to your business needs.

## Other Considerations

### Naloxone Kits & Training in the Workplace

As of June 1, 2023, the *OSHA* will require that naloxone be available in some workplaces in case a worker has an opioid overdose. The requirements do not change how an employer may choose to manage worker impairment from drugs or alcohol that may pose a risk to workplace safety.

Not all employers have to comply with the OSHA requirements to provide naloxone in the workplace. Employers must provide a naloxone kit when an employer becomes aware, or ought reasonably to be aware, of the following scenarios:

- There is a risk of a worker opioid overdose.
- There is a risk that the worker overdoses while in a workplace where they perform work for the employer.
- The risk is posed by a worker who performs work for the employer.

**If all of these scenarios are present**, the employer **must comply** with the OSHA requirements to provide naloxone in the workplace.

**If any one of these scenarios are not present**, an employer **does not** need to comply with the OSHA requirements to provide naloxone in the workplace.

Employers who are required to provide naloxone kits in their workplaces must ensure that the worker who is responsible for the naloxone kit has received training. Examples of high-risk workplaces include construction and manufacturing, bars and restaurants.

Since December 2022, the Ontario government has introduced the **Workplace Naloxone Program**, which will provide initial support to employers who are required to comply with the



new naloxone requirements. This program will offer employers with free naloxone training for up to two workers per workplace and/or one free nasal spray naloxone kit per workplace.

Employers can visit the following participating providers for more information on how to access this program: [Canadian Red Cross](#) and [St. John Ambulance](#).

### Employee Handbook and Additional Policies

Although not legally required, an employee handbook is an excellent resource for quick access to company and employee information. An employee handbook is a document that outlines the core values of a company, its policies, and guidelines. It is a valuable tool that gives employees a variety of information to help them understand employment expectations, handle issues, reference policies, and learn what's acceptable in the workplace.

For example, an employee handbook may provide information on use of company property and details around dress code, working hours, and time-off. It may also provide employees with information related to company culture, benefits, and staff contact information. An employee handbook is an important reference guide for employees throughout their tenure with the company.

Finally, here are some additional policies employer should consider implementing (while not required by law):

- An Absenteeism Policy;
- An Accommodation Policy;
- Fit For Work Policy (to address medical and non-medical cannabis in addition to alcohol, prescription drugs, over-the-counter medications and illegal drugs);
- A Privacy Policy.

### New Hire Checklist

It is good practice to create a New Hire Checklist for every new employee starting at your organization. During the onboarding phase, there are numerous forms, policies, and procedures to be signed, as well as information to be collected for Human Resources and Payroll purposes. The New Hire Checklist is a tool that can be used by HR, the manager, or other administrative professional administering the orientation to record the completion of all training, forms, and policies. *Please see the example below.*

### **New Hire Checklist**

*Please complete this form and return to Human Resources <insert contact info here> within two weeks of your start date.*

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Supervisor's Name: \_\_\_\_\_

Start Date (D/M/Y): \_\_\_\_\_

New Hire Orientation with HR date completed (D/M/Y): \_\_\_\_\_

New Hire Forms	Form Completed?	Forwarded to HR?
Federal TD1 Form	Yes / No	Date (D/M/Y):
Provincial TD1 Form	Yes / No	Date (D/M/Y):
Direct Deposit Form	Yes / No	Date (D/M/Y):
Signed Employee Contract	Yes / No	Date (D/M/Y):
HR Compliance Training	Certification of Completion or Signed Statement	Forwarded to HR?
<a href="#">AODA Customer Service Training</a>	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):
<a href="#">Human Rights Code Training</a>	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):
<a href="#">Additional AODA Accessibility Training on Work Relevant Staff Duties</a> <i>(Information and Communication Standards, Employment Standards, Design of Public Spaces Standards, and Transportation Standards)</i>	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):
<a href="#">WHMIS Training</a>	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):
<a href="#">Health &amp; Safety Awareness Training (Employees)</a> or <a href="#">Supervisor Health &amp; Safety Awareness Training (Supervisors)</a>	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):
Workplace Violence and Harassment Training	Yes / No  Date of Completion (D/M/Y):	Date (D/M/Y):



# Employment Standards in Ontario

The *Employment Standards Act, 2000* (ESA) protects employees and sets minimum standards for most workplaces in Ontario. **Employers are prohibited from penalizing employees in any way for exercising their rights under the ESA.**

## What you need to know

### Public holidays

Ontario has a number of public holidays each year. Most employees are entitled to take these days off work and be paid public holiday pay. Visit [Ontario.ca/public\\_holidays](https://www.ontario.ca/public_holidays).

### Hours of work and overtime

There are daily and weekly limits on hours of work. There are also rules around meal breaks, rest periods and overtime. Visit [Ontario.ca/hoursofwork](https://www.ontario.ca/hoursofwork) and [Ontario.ca/overtime](https://www.ontario.ca/overtime).

### Termination notice and pay

In most cases when terminating employment, employers must give employees advance written notice of termination or termination pay instead of notice. Visit [Ontario.ca/terminationofemployment](https://www.ontario.ca/terminationofemployment).

### Vacation time and pay

There are rules around the amount of vacation time and pay employees earn. Most employees can take vacation time after every 12 months of work. Visit [Ontario.ca/vacation](https://www.ontario.ca/vacation).

### Leaves of absence

There are a number of job-protected leaves of absence in Ontario. Examples include sick leave, pregnancy leave, parental leave and family caregiver leave. Visit [Ontario.ca/ESAGuide](https://www.ontario.ca/ESAGuide).

### Minimum wage

Most employees are entitled to be paid at least the minimum wage. For current rates visit [Ontario.ca/minimumwage](https://www.ontario.ca/minimumwage).

### Other employment rights, exemptions and special rules

There are other rights, exemptions and special rules not listed on this poster, including rights to severance pay and special rules for assignment employees of temporary help agencies.

Subscribe to our newsletter and stay up to date on the latest news that can affect you and your workplace. Visit [Ontario.ca/labournews](https://www.ontario.ca/labournews).

Learn more about your rights at:

[Ontario.ca/employmentstandards](https://www.ontario.ca/employmentstandards)  
1-800-531-5551 or TTY 1-866-567-8893

 @ONTatwork  @OntarioAtWork  @Ontarioatwork



# Health & Safety at Work

## ➤ Prevention Starts Here

*Ontario's Occupational Health and Safety Act gives workers rights. It sets out roles for employers, supervisors and workers so they can work together to make workplaces safer.*

### ➤ Improve Health and Safety:

- **Find out** about your Joint Health and Safety Committee or Health and Safety Representative.
- **Talk** to your employer, supervisor, workers, joint health and safety committee or health and safety representative about health and safety concerns.

**Call the Ministry of Labour,  
Training and Skills Development  
at 1-877-202-0008**

Report critical injuries, fatalities,  
work refusals anytime.

Workplace health and safety information,  
weekdays 8:30am – 5:00pm.

Emergency? Always call 911 immediately.

**Find out more:**

[ontario.ca/healthandsafetyatwork](https://ontario.ca/healthandsafetyatwork)



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### ➤ 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.

### ➤ Workers must:

- **Follow** the law and workplace health and safety policies and procedures.
- **Wear** and **use** the protective equipment required by their employer.
- **Work** and **act** in a way that won't hurt themselves or anyone else.
- **Report** any hazards or injuries to their supervisor.

*Employers must NOT take action against workers for following the law and raising health and safety concerns.*

### ➤ Employers must:

- **Make sure** workers know about hazards and dangers by providing information, instruction and supervision on how to work safely.
- **Make sure** supervisors know what is required to protect workers' health and safety on the job.
- **Create** workplace health and safety policies and procedures.
- **Make sure** everyone follows the law and the workplace health and safety policies and procedures.
- **Make sure** workers wear and use the right protective equipment.
- **Do everything** reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

### ➤ Supervisors must:

- **Tell** workers about hazards and dangers, and respond to their concerns.
- **Show** workers how to work safely, and make sure they follow the law and workplace health and safety policies and procedures.
- **Make sure** workers wear and use the right protective equipment.
- **Do everything** reasonable in the circumstances to protect workers from being hurt or getting a work-related illness.

# In case of injury or illness at work



# 1

## Get medical help

Your employer is responsible for providing first aid. See a doctor or go to a hospital if you need treatment. Your employer pays for your transportation on the day of injury.



# 2

## Document

Tell your employer about your injury or illness. They investigate and keep a record of what happened.



# 3

## Report to the WSIB

You can scan the QR code below or visit [wsib.ca/reporting](https://wsib.ca/reporting) and follow the steps to submit a Worker's Report of Injury/Illness (form 6). Your employer must report an injury or illness to us within three days.



# 4

## Work together

We work with you and your employer to help you recover and return to work safely, at the right time.

Scan the QR code or visit [wsib.ca/reporting](https://wsib.ca/reporting) to submit a Worker's Report of Injury/Illness (form 6).



## Questions? We're here to help.

Sign up for our online services to send us a message anytime, anywhere, or call us at 1-800-387-0750 or TTY: 1-800-387-0050.

Visit [wsib.ca/online-services](https://wsib.ca/online-services) for details.

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