

Legislation

Health and Safety Legislation in Canada - Newcomers and OHS Awareness

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Why should workplaces be aware of who is a newcomer to Canada?

Newcomers to Canada include those persons who are permanent residents, refugees, those with work or student permits, and others.

Workplaces should be aware that newcomers may not know about how the legal structure of occupational health and safety (OHS) system applies to workers. This document discusses some of the components of the OHS system that newcomers (or those new to working) need to know.

What should a newcomer expect when they begin working?

Many workplaces will offer education and training to new workers. Orientation (sometimes called an induction or "on-boarding") is the process of introducing new, inexperienced, and transferred workers to the organization, their supervisors, co-workers, work areas, and jobs, and especially to health and safety. Providing training and extra assistance during the initial period of employment is critical, regardless of the age of the employee, as they are not familiar with the hazards of the job or the workplace.

Please see the OSH Answers [Employee Orientation Checklist](#) for more information.

What should a newcomer know about occupational health and safety laws in Canada?

There are fourteen jurisdictions in Canada - one federal, ten provincial and three territorial each having its own occupational health and safety legislation. Occupational health and safety (OHS) legislation in each jurisdiction outlines the general rights and responsibilities of the employer, the supervisor and the worker through an Act or statute and related regulations. Regulations made under an Act define the application and enforcement of an Act. Although there are many similarities in the legislation, there are differences that reflect the uniqueness of each jurisdiction.

These laws have a similar approach to workplace health and safety. In Canada, the approach is called the internal responsibility system. The internal responsibility system is the underlying philosophy of the occupational health and safety legislation in all Canadian jurisdictions. Its foundation is that everyone in the workplace - both workers and employers - is responsible for his or her own safety and for the safety of co-workers. Acts and regulations do not always impose or prescribe the specific steps to take for compliance. Instead, it holds employers responsible for determining such steps to ensure health and safety of all workers.

Please see the OSH Answers Health and Safety Legislation in Canada - [Internal Responsibility System](#) for more information.

What responsibilities do employers, managers, and workers have?

The occupational health and safety legislation in your jurisdiction outlines the employer's obligations and responsibilities. Managers and supervisors act on behalf of the employer, and therefore have the responsibility to meet the duties of the employer. Employees (workers) also have responsibilities to follow by law.

Please see the OSH Answers Health and Safety Legislation in Canada – [Basic Responsibilities](#) for more information.

What are the rights of workers?

The Occupational Health and Safety Act in your jurisdiction entitles all workers to three rights:

Right to Know

The right to know means that as a worker, you have the right to be informed by the employer of known or likely hazards in the workplace, and to be provided with the information, instructions, education, training, and supervision necessary to protect your health and safety. This information should be provided before the work begins.

Right to Participate

This right allows workers to have input on the steps taken by the employer to ensure health and safety.

Workers can provide input on what would make the workplace safe by:

- participating as a member of the health and safety committee (if the workplace requires one).
- being a health and safety representative for the workplace when given the opportunity.
- reporting any concerns whenever you encounter a health and safety matter that could cause harm to your health and safety or the health and safety of your co-workers.
- making suggestions to the committee or employer on how to make your workplace safer.

Please see the various OSH Answers documents about [Health and Safety Committees](#) for more information about a committee's duties and responsibilities.

Right to Refuse

Any worker has the right to refuse unsafe or dangerous work as long as they have “reasonable cause” to believe that the work presents an immediate, imminent, or serious threat to the health or safety of themselves or another person.

Generally speaking, unsafe or dangerous work can include working with or near equipment or machinery, the physical condition of the workplace, or not having the appropriate training or qualifications to perform the work safely. It may also include exposure to workplace violence that may endanger a worker.

Please see the OSH Answers Health and Safety Legislation in Canada – [Three Rights of Workers](#) and Health and Safety Legislation in Canada – [Right to Refuse](#) for more information.

What should a worker do if they have concerns about health and safety in the workplace?

In general, all health and safety concerns should be reported to the employer, supervisor, health and safety committee or representative, or union. The internal responsibility system encourages all parties to work collaboratively to find solutions to health and safety issues.

However, if workers are not satisfied with the response they receive from the employer, the government department responsible for health and safety can be contact to provide further guidance and may assign an officer to investigate. Individuals can report their concerns anonymously to these government departments.

Please see the OSH Answers [Canadian Government Departments Responsible for Health and Safety](#) for contact information.

Can a worker be reprimanded for raising a health and safety issue?

No. Workers are protected from reprisals under the occupational health and safety legislation when they raise a health and safety issue in the workplace, act on any of the worker's rights under the OHS Act, ask the employer to follow the OHS Act, or provide information to the officer (inspector) from the regulatory body. This protection means that the employer is not allowed to fire or threaten to fire a worker, suspend, or discipline a worker, nor may the employer intimidate or coerce the worker by bullying or otherwise discourage the worker from reporting any health hand safety concerns.

If you believe you have been fired for exercising your rights under the OHS Act, contact the local government agency for help. Depending on the reason for the situation, workers may also wish to contact the employment or human rights agency for their jurisdiction. Employment and human rights legislation include such issues as pay rates, discrimination, harassment, employment insurance, etc.

Please see the OSH Answers [Canadian Government Departments Responsible for Health and Safety](#) or [Employment and Human Rights](#) for contact information.

What should a worker do if they are injured at work?

Workers must report a work-related injury or illness to their employer. If you are not sure the cause of your injury, it is still good to report to your employer if you think it might be work related. Employers are required to report work-related injuries to the workers' compensation board in your jurisdiction. The workers' compensation board will decide if the injury or illness is work-related or not. Compensation boards also operate separately by jurisdiction. Each jurisdiction has specific requirements.

Please see the OSH Answers Health and Safety Legislation in Canada – [Injury Reporting](#) for more information, and [Workers' Compensation Boards in Canada](#) for contact information.

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