

YOUR RIGHT TO BE FREE FROM REPRISALS

Can workers be penalized for seeking compliance with the law or exercising their rights under the Act?

- No. The law specifically prohibits employers from penalizing or intimidating workers for seeking compliance or exercising their rights, or for giving evidence with respect to the enforcement of the Act or during a coroner's inquest. This also includes the exercise of a worker's right to refuse unsafe work. **Sec. 50, Sub. 1**

What can be done if an employer engages in a reprisal against a worker?

There are three possible options available to workers:

1. Call the Ministry of Labour: Since this is a violation of the Act, the worker should immediately file a complaint with an inspector. Also, the inspector can issue orders to deal with the underlying health and safety violation that led to the reprisal.
2. As of April 2012, an inspector, on consent of a worker, may refer an allegation of reprisal to the Ontario Labour Relations Board provided that the matter has not been dealt with by grievance arbitration under a Collective Agreement. An inspector may also (with approval from a Ministry of Labour manager) investigate a reprisal for the limited purpose of determining whether to recommend a prosecution. **Sec. 50, Sub. 2.1**
3. File a grievance. The worker can also file a grievance in accordance with the procedures in a collective agreement. In this case, the worker still has the option to file a complaint with the OLRB so long as the grievance does not enter the arbitration process. **Sec. 50, Sub. 2**
4. Consider filing a complaint to the Ontario Labour Relations Board. The worker can file a complaint to the Ontario Labour Relations Board (OLRB). In this case the worker must file a special form with the registrar providing the complete details.

Note: Unionized workers will have to elect either grievance arbitration or a decision from the OLRB but may not have the issue dealt with in two forums.

