OHS Act Didn’t Bar Termination of Worker Who Raised Safety Issues But Didn’t Comply with Act



A head fabricator complained numerous times to his supervisor about unsafe work conditions and was later terminated. He claimed his termination was discriminatory in violation of the Occupational Health and Safety Act. The Act requires workers to report unsafe conditions to supervisors and if the conditions aren’t satisfactorily resolved then to report to the Joint Occupational Health and Safety (JOHS) Committee or the JOHS representative. The employer claimed it fired the worker because of his anger. He admits there may have been heated conversations with his supervisor because safety concerns he raised weren’t addressed. An occupational health and safety officer ruled the Act wasn’t violated so the fabricator appealed. A labour board affirmed the officer’s ruling stating that the termination was a discriminatory act but it didn’t violate the OHS Act because the fabricator failed to comply with the Act by raising the unresolved safety concerns to the JOHS representative or committee. The Board noted there were other options for the fabricator to seek remedies such as the Human Rights Act or the Labour Standards Act but the OHS Act’s prohibition against discriminatory actions wasn’t intended to compensate workers but rather to ensure safety issues were addressed.