News

Employers Must Investigate Work Refusals

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A recent decision under the *Occupational Health and Safety Act* is a stark reminder to all employers to take any work refusal, no matter how small, seriously. The Ontario Labour Relations Board concluded that an employer failed in its obligations under the OHSA when it terminated an employee, after he refused to drive his faulty work truck, rather than taking steps to look into the refusal.

Noting the dearth of employer evidence led at the hearing, the OLRB accepted the employee's evidence that he believed his work truck was not safe to drive. By almost immediately terminating the employee's employment after the refusal, and not investigating the issue, the reprisal section of the OHSA was engaged and led to damages being awarded against the employer.

A discussion of this case is found on our Case in Point blog, "Termination of Employee Following Work Refusal Results in Finding of Reprisal."