

## News

# OLRB Revisits the Scope of its Authority To Consider Workplace Harassment Reprisal Complaints

**Date:** February 27, 2014

In two recent decisions, the Ontario Labour Relations Board (“Board”) signalled that its powers under the *Occupational Health and Safety Act* (“OHSA”) to consider complaints arising out of the OHSA’s workplace harassment provisions may be broader than the findings articulated in an earlier case, *Confortia v. Investia Financial Services Inc.*

In *Investia*, the Board had concluded that it had little statutory authority under the recently enacted Bill 168 amendments to the OHSA with respect to reprisal complaints arising from workplace harassment allegations. That finding was followed in a number of cases. Recently, however, in *Ljuboja v Aim Group Inc.*, the Board found that *Investia* was not a complete answer to the scope of the Board’s powers to deal with workplace harassment reprisal complaints. It held that the applicable statutory provisions would be undermined if an employer could terminate an employee because he or she launched a complaint in accordance with statutorily-mandated workplace harassment processes.

A second case (*Abick v. Ministry of Government Services (Ontario Government)*) also allowed a complaint to proceed which involved an allegation that the employer failed to provide harassment policies and to investigate a workplace harassment complaint.

A more detailed discussion of these cases is found on our Case in Point blog post, “[Expanded OLRB Power to Consider Bill 168 Workplace Harassment Reprisal Complaints.](#)”