

5 Keys to an Effective Anti-Retaliation Program



Canadian OHS laws bar employers from retaliating against workers who exercise rights, such as the right to refuse dangerous work. For example, an employer can't suspend a worker who refuses to work on top of a roof without adequate fall protection. To ensure that supervisors, managers, etc. don't commit illegal reprisals, you should have an anti-retaliation program in your workplace.

The laws in the US similarly protect workers who raise safety concerns from reprisals. OSHA recently released Recommended Practices for Anti-Retaliation Programs to help employers create workplaces in which workers feel comfortable voicing their concerns without fear of retaliation.

A proactive anti-retaliation program is designed to receive and respond appropriately to employees' compliance or safety concerns, while preventing and addressing retaliation against employees who raise or report such concerns. Without an effective program, problems in the workplace may go unreported because workers fear retaliation for reporting concerns or feel frustration over the lack of effective resolution of their concerns.

The OSHA recommendations can be adapted for most workplaces and for the requirements in your jurisdiction's OHS laws. And the concepts can be used to create a new anti-retaliation program or update an existing one.

The document outlines five key elements of an effective anti-retaliation program:

1. Management leadership, commitment and accountability
2. System for listening to and resolving employees' safety and compliance concerns
3. System for receiving and responding to reports of retaliation
4. Anti-retaliation training for employees and managers
5. Program oversight.