

Protection in the Workers' Comp Laws from Reprisals



The OHS laws protect workers from reprisals for exercising their rights under those laws. For example, an employer can't suspend or fire a worker for exercising his right to refuse unsafe work. But the OHS laws aren't the only source of protection from reprisals for workers. The workers' comp laws may also protect workers from reprisals for exercising their rights under those laws. Here's a look at those protections.

PROTECTION FROM REPRISALS IN WORKERS' COMP LAWS

Workers' Compensation Act:

AB

1. No employer shall, directly or indirectly, by agreement, threats, promises or persuasion or by any other means, discourage or impede a worker of the employer, or the worker's dependant, from participating in or co-operating with the Board in pursuing an action under this section [Sec. 22(14)].

2. No employer shall, directly or indirectly, by agreement, threats, promises, persuasion or any other means, discourage or impede a worker of the employer, or the worker's dependant, from reporting an accident to the Board [Sec. 140.1].

Workers' Compensation Act:

1. An employer or union, or a person acting on behalf of an employer or union, must not take or threaten discriminatory action against a worker for:

- a. exercising any right or carrying out any duty in accordance with this Part, the regulations or an applicable order;
- b. the reason that the worker has testified or is about to testify in any matter, inquiry or proceeding under this Act or the *Coroners Act* on an issue related to occupational health and safety or occupational environment; or
- c. the reason that the worker has given any information regarding conditions affecting the occupational health or safety or occupational environment of that worker or any other worker to:
 - i. an employer or person acting on behalf of an employer;
 - ii. another worker or a union representing a worker; or
 - iii. an officer or any other person concerned with the administration of this Part [Sec. 151].

BC

2. [Discriminatory action] includes any act or omission by an employer or union, or a person acting on behalf of an employer or union, that adversely affects a worker with respect to any term or condition of employment, or of membership in a union, including:

- a. suspension, lay-off or dismissal;
- b. demotion or loss of opportunity for promotion;
- c. transfer of duties, change of location of workplace, reduction in wages or change in working hours;
- d. coercion or intimidation;
- e. imposition of any discipline, reprimand or other penalty; and
- f. the discontinuation or elimination of the worker's job [Sec. 150].

The Workers' Compensation Act:

1. No employer or person acting on behalf of an employer shall take any action that prevents or discourages or attempts to prevent or discourage a worker from applying for compensation, pursuing an application that has been made or receiving compensation under this Part [Sec. 19.1(1)].

2. No employer or person acting on behalf of an employer shall take or threaten to take discriminatory action against a person for:

- a. reporting or attempting to report an alleged violation of subsection (1) to the board; or
- b. exercising any right or carrying out any duty in accordance with this Act or the regulations [Sec. 19.1(2)].

3. [Discriminatory action] includes any act or omission by an employer or a person acting on behalf of an employer that adversely affects a worker's employment, including a transfer, demotion, layoff or termination [Sec. 19.1(5)].

MB

NB	<p><i>Workers' Compensation Act:</i></p> <p>1. No employer shall dismiss, suspend, lay off, penalize, discipline or discriminate against a worker because the worker suffered a personal injury by accident in respect of which the worker is, in the opinion of the Commission, entitled to make application for compensation under this Part, from the date of the personal injury:</p> <p>a. to the date the Commission renders its decision with respect to the application for compensation; or</p> <p>b. where the employer is bound by the requirements of subsection (3) or (5), to the date the employer is no longer bound by those requirements, whichever is later [Sec. 42.1(2)].</p>
NL	<p><i>Workplace Health, Safety and Compensation Act</i> doesn't protect workers from reprisals.</p>
NT/NU	<p><i>Workers' Compensation Act:</i></p> <p>No employer or person acting on behalf of an employer shall prevent, discourage or inhibit, or attempt to prevent, discourage or inhibit, by interference, intimidation or otherwise, a person from making a claim for compensation [Sec. 150(1)].</p>
NS	<p><i>Workers' Compensation Act:</i></p> <p>1. No employer shall, directly or indirectly:</p> <p>a. influence or attempt to influence a worker not to claim or receive compensation pursuant to this Part [Sec. 88(e)]; or</p> <p>b. discipline or discriminate against a worker who reports an accident or makes a claim for or receives compensation pursuant to this Act [Sec. 88(f)].</p>
ON	<p><i>Workplace Safety and Insurance Act</i> doesn't protect workers from reprisals.</p>
PE	<p><i>Workers Compensation Act</i> doesn't protect workers from reprisals.</p>
QC	<p><i>Workers' Compensation Act</i> doesn't protect workers from reprisals.</p>
SK	<p><i>The Workers' Compensation Act, 2013:</i></p> <p>1. No employer or person acting on behalf of an employer shall compel, induce or attempt to compel or induce a worker by intimidation, coercion, promise, the imposition of a pecuniary or other penalty, threat, including a threat of dismissal, or any other means:</p> <p>a. not to apply for or pursue an application that has been made for compensation; or</p> <p>b. not to receive compensation [Sec. 163(2)].</p> <p>2. No employer or person acting on behalf of an employer shall take or threaten to take discriminatory action against a person for reporting or attempting to report an alleged contravention of this section to the board [Sec. 163(3)].</p>
YT	<p><i>Workers' Compensation Act:</i></p> <p>It's an offence under this Act for any person to discourage a worker from making a claim for compensation when the worker has or may have suffered a work-related [Sec. 112].</p>