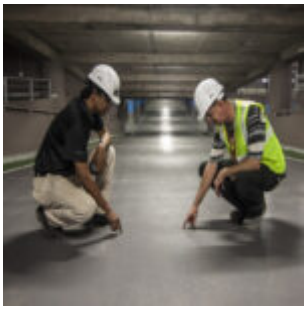
Company's Treatment of Supervisor Was a Reprisal for Work Refusal



Believing that a truck unsafely blocked his view, a warehouse supervisor operating a forklift was waiting until it moved. The company owner asked what he was doing and, after he explained, told him it was safe and to either work or go home. The supervisor left. The next day, he asked the JHSC to investigate but the owner refused. He was subsequently moved to a new position at the same pay. He filed a reprisal complaint. The Labour Board ruled that the owner's response to the supervisor was inappropriate. The company had a duty to investigate the refusal, which it didn't do. Sending him home that day was a reprisal for exercising his OHS rights, resulting in lost wages. And the 'lateral' transfer to a new position was also a result of the work refusal. The Board concluded that the company's actions were in direct response to the supervisor's legitimate exercise of his right to refuse unsafe work and reinstated him to his prior position [*John Ross and Sons Ltd. v. McKay*, [2014] NSLB 95 (CanLII), May 29, 2014].