

Custodian Was Suspended as a Reprisal for Reporting Blocked Fire Exit



A custodian for a school board saw that a fire exit door near a kindergarten classroom couldn't be opened because of a buildup of snow. He contacted the contractor the school used for snow removal and asked him to clear the area. He also noted this request in the required log and told the principal about it. But the area wasn't cleared of snow. Believing the blocked fire exit was a safety hazard, the custodian contacted the MOL, which sent an inspector to the school. The inspector ordered the school to remove the snow obstructing the door, which it did. The next day, the school board suspended the custodian, who claimed illegal reprisal. The Labour Relations Board agreed. The custodian had exercised his rights under the OHS laws by reporting a safety hazard and trying to get it addressed. And the Board couldn't conclude that the fact that he'd engaged in protected activity was 'wholly irrelevant' to the school board's decision to suspend him [*Robert McLaughlin v. Bluewater District School Board*, [2016] CanLII 75728 (ON LRB), Oct. 31, 2016].