

Discipline – Know The Laws of Your Province



Disciplinary action regulations are essential for ensuring fair treatment of workers while maintaining workplace safety, productivity, and compliance with employment standards. These regulations outline the conditions under which **employers** can take disciplinary measures, ensuring that actions are justified, consistent, and aligned with legal protections. **Employers must** establish clear workplace policies, provide due process, and ensure that disciplinary actions do not violate workers' rights. Workers are entitled to fair treatment and protection against unjust disciplinary measures, including retaliation for exercising workplace rights such as refusing unsafe work or reporting hazards. While general disciplinary action guidelines apply across Canada, specific regulations vary by province and territory to address industry-specific concerns, dispute resolution procedures, and worker protections. Compliance with these regulations fosters a fair and safe work environment, upholds employee rights, and ensures that workplace discipline is administered appropriately.

FEDERAL

In Canada, disciplinary action related to workplace safety is regulated under the **Canada Labour Code – Part II Occupational Health and Safety, Sections 147 and 147.1**. These regulations ensure that workers are protected from unjust disciplinary

measures, particularly in cases where they exercise their rights under occupational health and safety laws, such as refusing unsafe work or reporting hazards.

Disciplinary Action

General prohibition re employer

No **employer shall** dismiss, suspend, lay off or demote an employee, impose a financial or other penalty on an employee, or refuse to pay an employee remuneration in respect of any period that the employee would, but for the exercise of the employee's rights under this Part, have worked, or take any disciplinary action against or threaten to take any such action against an employee because the employee:

(a) has testified or is about to testify in a proceeding taken or an inquiry held under this Part;

(b) has provided information to a person engaged in the performance of duties under this Part regarding the conditions of work affecting the health or safety of the employee or of any other employee of the **employer**; or

(c) has acted in accordance with this Part or has sought the enforcement of any of the provisions of this Part. **Section 147.**

Abuse of Rights

(1) An **employer** may, after all the investigations and appeals have been exhausted by the employee who has exercised rights under sections 128 and 129, take disciplinary action against the employee who the **employer** can demonstrate has willfully abused those rights.

Written Reasons

(2) The **employer must** provide the employee with written reasons for any disciplinary action within fifteen working

days after receiving a request from the employee to do so.
Section 147.1(1)(2).

Further details on the Canada Labour Code can be found at [Laws-lois.justice.gc.ca](https://laws-lois.justice.gc.ca).

ALBERTA

In Alberta, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Act – Part 3 Dangerous Work and Disciplinary Action, Sections 18 and 19**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as refusing unsafe work or reporting workplace hazards.

Where Disciplinary Action Prohibited

No person **shall** take any disciplinary action against a worker by reason of that worker acting in compliance with this Act, the regulations, the OHS Code or an order issued under this Act. **Section 18.**

Disciplinary Action Complaint

(1) A worker who has reasonable cause to believe that the worker has been subjected to disciplinary action in contravention of section 18 may file a complaint with an officer within 180 days after the alleged contravention occurs, but not afterwards.

(2) An officer who receives a complaint under subsection (1) **shall**, subject to subsection (3), prepare a written report of the worker's complaint, the investigation and the officer's findings and **shall** give the worker and the **employer** a copy of the report.

(3) An officer may refuse to investigate a complaint where the officer is of the opinion that the complaint is without merit,

or is frivolous, trivial, vexatious, filed with improper motives or otherwise an abuse of process.

(4) If an officer refuses under subsection (3) to investigate a complaint under subsection (1), the officer **shall** notify the worker in writing.

(5) Where an officer has refused under subsection (3) to investigate a complaint under subsection (1), the worker who made the complaint may, within 30 days of receiving notice of the officer's refusal to investigate, request that a Director review the refusal.

(6) Upon the review referred to in subsection (5), a Director may:

- (a) confirm or revoke the officer's refusal, or
- (b) refer the matter to another officer for a determination in accordance with this section.

(7) An officer **shall** refuse to accept a complaint made by a worker who is bound by a collective agreement.

(8) If, in the opinion of the officer, disciplinary action has occurred in contravention of section 18, the officer may in writing order the person who contravened the section to do one or more of the following:

- (a) cease the disciplinary action;
- (b) reinstate the worker to the worker's former employment under the same terms and conditions under which the worker was formerly employed;
- (c) pay the worker not more than the equivalent of wages and benefits that the worker would have earned if the worker had not been subjected to disciplinary action;
- (d) remove any reprimand or other reference to the matter from

the worker's employment records;

(e) take other measures to prevent recurrence.

(9) If the worker had worked elsewhere while the dismissal or disciplinary action had been in effect, those wages earned or benefits acquired elsewhere **shall** be deducted from the amount payable to the worker under subsection (8)(c).

(10) If an officer determines that disciplinary action has been taken against a worker who has acted in compliance with this Act, the regulations, the OHS Code or an order issued under this Act,

(a) there is a presumption in favour of the worker that the disciplinary action was taken against the worker because the worker acted in compliance with this Act, the regulations, the OHS Code or an order issued under this Act, and

(b) the onus is on the person who contravened section 18 to establish that the disciplinary action was taken against the worker for a reason other than that the worker acted in compliance with this Act, the regulations, the OHS Code or an order issued under this Act. **Section 19(1) to (10).**

Further details on the Occupational Health And Safety Code can be found at [Alberta.ca](https://www.alberta.ca).

BRITISH COLUMBIA

In British Columbia, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Regulation – Part 3: Rights and Responsibilities, Section 3.13**, and the **Labour Relations Code – Part 2: Rights, Duties, and Unfair Labour Practices, Section 6**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as refusing unsafe work or reporting workplace hazards.

Part 3: Rights and Responsibilities

No Prohibited Action

(1) A worker **must** not be subject to prohibited action as defined in section 47 of the *Workers Compensation Act* because the worker has acted in compliance with section 3.12 or with an order made by an officer.

(2) Temporary assignment to alternative work at no loss in pay to the worker until the matter in section 3.12 is resolved under section 3.12 (3), (4) or (5) is deemed not to constitute prohibited action. **Section 3.13.**

Part 2: Rights, Duties, and Unfair Labour Practices

Unfair Labour Practices

(1) An **employer** or a person acting on behalf of an **employer must** not participate in or interfere with the formation, selection or administration of a trade union or contribute financial or other support to it.

(2) Despite this section, an **employer** may permit an employee or representative of a trade union to confer with the **employer** during working hours or to attend to the trade union's business during working hours without deducting time so occupied in computing the time worked for the **employer** and without deducting wages for that time.

(3) An **employer** or a person acting on behalf of an **employer must** not:

(a) discharge, suspend, transfer, lay off or otherwise discipline an employee, refuse to employ or to continue to employ a person or discriminate against a person in regard to employment or a condition of employment because the person:

(i) is or proposes to become or seeks to induce another person to become a member or officer of a trade union, or

(ii) participates in the promotion, formation, or administration of a trade union,

(b) discharge, suspend, transfer, lay off or otherwise discipline an employee except for proper cause when a trade union is in the process of conducting a certification campaign for employees of that employer,

(c) impose in a contract of employment a condition that seeks to restrain an employee from exercising the employee's rights under this Code,

(d) seek by intimidation, by dismissal, by threat of dismissal or by any other kind of threat, or by the imposition of a penalty, or by a promise, or by a wage increase, or by altering any other terms or conditions of employment, to compel or to induce an employee to refrain from becoming or continuing to be a member or officer or representative of a trade union,

(e) use or authorize or permit the use of the services of a person in contravention of section 68, or

(f) refuse to agree with a trade union, certified under this Code as the bargaining agent for the employer's employees who have been engaged in collective bargaining to conclude their first collective agreement, that all employees in the unit, whether or not members of the trade union, but excluding those exempted under section 17, will pay union dues from time to time to the trade union.

(4) Despite subsection (3), except as expressly provided, this Code **must** not be interpreted to limit or otherwise affect the right of the employer to:

(a) discharge, suspend, transfer, lay off or otherwise discipline an employee for proper cause, or

(b) make a change in the operation of the employer's business

reasonably necessary for the proper conduct of that business.
Section 6(1) to (4).

Further details on the Occupational Health and Safety Regulation and the Labour Relations Code can be found at WorkSafeBC.com and BClaws.gov.bc.ca.

MANITOBA

In Manitoba, disciplinary action related to workplace conduct and safety is regulated under the **Manitoba Government Employees' Master Agreement – Conduct of Employees, Sections 14:01 to 14:03**, and **Disciplinary Action, Sections 17:01 to 17:07**. These regulations establish the standards for employee behavior, outline the process for addressing misconduct, and ensure that disciplinary measures are applied fairly and consistently.

Conduct Of Employees

Each employee **shall** observe standards of behaviour consistent with the employee's function and role as a civil service employee and in compliance with the terms of this Agreement.
Section 14:01.

Where an employee is absent without leave for a period of two (2) weeks, the employee **shall** be considered to have abandoned his or her position and **shall** be deemed to have been terminated on the last day on which the employee was present at work and performed the employee's regular duties. **Section 14:02.**

Where an employee is habitually late or is absent during working hours without leave and fails to give satisfactory explanation for the lateness or absence, the head of the branch, division, or department concerned **shall** make a report to the employing authority who may take such disciplinary action, including suspension or dismissal, as is warranted.

Section 14:03.

Disciplinary Action

An employee **shall** only be disciplined for just cause. **Section 17:01.**

Where the **Employer** schedules an investigatory meeting regarding an employee's conduct, the **Employer shall** advise the employee that his or her conduct is the subject of the investigation. The employee will be provided with reasonable notice of the meeting and advised of his or her right to have a Union representative attend the meeting. It is the employee's responsibility to arrange attendance by a representative of the Union. **Section 17:02.**

Where a meeting is scheduled by the **Employer** to impose disciplinary action, the employee **shall** be advised that the meeting is a disciplinary meeting and **shall** be provided with reasonable notice of the meeting. The employee **shall** be advised that he/she has the right to have a Union representative at the meeting. It is the employee's responsibility to arrange attendance by a representative of the Union. **Section 17:03.**

Where the **Employer** issues disciplinary action in writing, the **Employer shall** normally meet with the employee to communicate the areas of concern and the remedial action expected. Where the written disciplinary action is provided to the employee in a meeting, the employee **shall** sign a copy of the document only to confirm receipt of the disciplinary action. All disciplinary actions which are confirmed in writing **shall** be placed on the employee's file. A copy of the disciplinary action **shall** also be provided to the employee. **Section 17:04.**

An employee may grieve any disciplinary action according to the grievance procedure. Grievances concerning demotion, suspension or dismissal **shall** be initiated at Step 2 of the

grievance procedure. **Section 17:05.**

The person or board to whom a grievance is made may:

- (a) uphold the disciplinary action; or
- (b) vary the disciplinary action; or
- (c) determine that no disciplinary action is warranted and remove any document pertaining to the disciplinary action from the employee's file(s). **Section 17:06.**

No notice or payment in lieu thereof is **required** where an employee is dismissed. **Section 17:07.**

Further details on the Manitoba Government Employees' Master Agreement can be found at Gov.MB.ca.

NEW BRUNSWICK

In New Brunswick, disciplinary action related to workplace conduct and safety is regulated under the **Employment Standards Act – Part III Employment Standards, Section 28**, and the **Occupational Health and Safety Act, Sections 24 to 27**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly in cases where they exercise their rights under employment and occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Unjust Dismissal and Related Unfair Employer Action

Despite anything in this Act, an **employer shall** not suspend, lay off, penalize, dismiss or otherwise terminate the employment of an employee or impose disciplinary measures or discriminate against an employee if the reason for the suspension, layoff, penalty, dismissal, termination of employment, disciplinary measures or discrimination is related in any way to:

(a) the application by an employee for any leave to which the employee is entitled under this Act;

(b) the making of a complaint or the giving of information or evidence by the employee against the **employer** with respect to any matter covered by this Act; or

(c) the giving of information or evidence by the employee against the **employer** with respect to the alleged violation of any Provincial or federal Act or regulation by the **employer** while carrying on the employer's business; or if the suspension, layoff, penalty, dismissal, including termination of employment, disciplinary measures or discrimination constitutes in any way an attempt by the **employer** to evade any responsibility imposed on the **employer** under this Act or any other Provincial or federal Act or regulation or to prevent or inhibit an employee from taking advantage of any right or benefit granted to the employee under this Act. **Section 28.**

Discriminatory Action

Discriminatory Action Prohibited

(1) No **employer**, supervisor or union **shall**:

(a) take any discriminatory action against an employee, or

(b) threaten to take any discriminatory action against an employee or intimidate or coerce any employee, because the employee has sought the enforcement of this Act, the regulations or an order made in accordance with this Act or the regulations, or has acted in compliance with this Act, the regulations or an order made in accordance with this act or the regulations or has sought enforcement of the *Smoke-free Places Act* or the regulations or an order made under that Act as that Act or the regulations or orders under that Act relate to a place of employment under this Act.

(2) A reassignment under section 22 is not discriminatory

action under this section. **Section 24(1)(2).**

Complaint of Discriminatory Action

(1) Where an employee complains that an **employer**, supervisor or union has violated section 24, the employee may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint in writing with the Commission.

(1.1) A complaint referred to in subsection (1) **shall** be filed with the Commission not later than one year after the violation of section 24 complained of.

(2) Where the Commission receives a complaint referred to in subsection (1) within the time limit prescribed in subsection (1.1), the Commission **shall** refer the complaint to an arbitrator whom the Commission **shall** appoint. **Section 25(1)(2).**

Powers and Findings by Arbitrator

(1) An arbitrator has all the powers of an arbitrator under the *Industrial Relations Act*.

(2) Where an arbitrator makes a finding that the action of the **employer**, supervisor or union was discriminatory or that an **employer** or union has threatened discriminatory action or intimidated or coerced an employee, the arbitrator **shall** make an order in writing which may include:

(a) an order to the **employer**, supervisor or union to cease the discriminatory action;

(b) an order to an **employer** to reinstate the employee to their former employment under the same terms and conditions under which the employee was formerly employed;

(c) an order to the **employer** to pay to the employee any wages the employee lost because the employee was wrongfully

discriminated against; or

(d) an order to the **employer** or union that any reprimand or other reference to the matter in the employer's or union's records on the employee's conduct be removed.

(3) After investigating a complaint, an arbitrator **shall** give findings in writing with reasons therefor and any order made under subsection (2) to the Commission, to the **employer** or union and to the employee.

(4) Where an order is made under this section and it appears to a party bound by the order that the arbitrator has failed to deal with any matter of difference, or that a term of the order requires clarification, such party may, within fourteen days after the making of the order, request the arbitrator to deal with the matter and, upon such request, the arbitrator **shall** deal with the matter of the request in the same manner as in the case of a complaint initially before the arbitrator.

(5) Any party to whom an order of an arbitrator under this section applies may, within thirty days after being notified of the order, apply by Notice of Application to a judge of The Court of King's Bench of New Brunswick to review and set aside the order on the ground that it was made:

(a) without jurisdiction, or

(b) on the basis of an error in law.

(6) The Notice of Application **shall** be served by the appellant on the Commission and the other parties to the proceedings in accordance with the Rules of Court.

(7) Upon service under subsection (6), the Commission and the arbitrator **shall** deliver to the clerk of The Court of King's Bench of New Brunswick for the judicial district in which the application is to be heard all documents in their possession

relating to the application and a copy of the order.

(9) After hearing the application, the judge may make any order in accordance with Rule 69.13 of the Rules of Court that the judge considers appropriate.

(10) Where an application under subsection (5) is dismissed, the judge **shall** make an order establishing the date on which the order made under subsection (2) is to be effective.

(11) To the extent that they are not inconsistent with the provisions of this section, the Rules of Court apply in respect of an application made under subsection (5).

(12) In this section “arbitrator” means an arbitrator appointed under subsection 25(2). **Section 26(1) to (12).**

For more information:

- Enforcement of order made by arbitrator. **Section 27(1)(2).**

Further details on the Employment Standards Act and the Occupational Health and Safety Act can be found at Laws.GNB.ca and GNB.ca.

NEWFOUNDLAND & LABRADOR

In Newfoundland and Labrador, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Act, Sections 49 to 51**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Discriminatory action prohibited

An **employer** or union **shall** not take a discriminatory action against a worker by dismissing the worker or by deducting

wages, salary or other benefits, or by taking other disciplinary action against the worker:

(a) because of the worker's participation in or association with the committee, worker health and safety representative or workplace health and safety designate at the workplace, or because the worker is a worker health and safety representative or workplace health and safety designate;

(b) because the worker has testified or is about to testify in a proceeding or inquiry under this Act or regulations;

(c) because the worker has given information to the Workplace, Health, Safety and Compensation Commission, an officer or another person concerned with the administration of the Act or the regulations concerning the health, safety and welfare of workers at the workplace; or

(d) because the worker has reasonably refused to work in accordance with section 45. **Section 49(a) to (d).**

Discrimination

Where disciplinary action is taken against a worker or the worker is dismissed following an act by the worker under section 49, the disciplinary action or dismissal **shall** be considered to be , in the absence of evidence to the contrary, discriminatory. **Section 50.**

Allegation of Discrimination

(1) Where a worker alleges that the worker's **employer** has taken discriminatory action against the worker for a reason set out in section 49, the worker may,

(a) where a collective agreement is in force between a union, of which a worker who alleges discrimination is a member, and the **employer**, and the collective agreement provides for the use of a grievance procedure where discrimination is alleged, follow that grievance procedure; or

(b) apply to the board for a determination as to whether the action was discriminatory.

(2) Where a worker alleges that the worker's union has taken discriminatory action against the worker for a reason set out in section 49, the worker may apply to the board for a determination as to whether the action was discriminatory.
Section 51(1)(2).

Further details on the Occupational Health and Safety Act can be found at Assembly.NL.ca.

NOVA SCOTIA

In Nova Scotia, disciplinary action related to workplace conduct and safety is regulated under the **Labour Standards Code, Section 72(1)**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly in cases where they exercise their rights under employment and occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Termination of Employment by Employer

(1) Subject to subsection (3) and Section 71, an **employer shall** not discharge, suspend or lay off an employee, unless the employee has been guilty of willful misconduct or disobedience or neglect of duty that has not been condoned by the **employer**, without having given at least:

(a) one week's notice in writing to the person if his period of employment is less than two years;

(b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;

(c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years;
and

(d) eight weeks' notice in writing to the person if his period of employment is ten years or more. **Section 72(1) (a) to (d).**

Further details on the Labour Standards Code can be found at NSlegislature.ca.

NORTHWEST TERRITORIES

In the Northwest Territories, disciplinary action related to workplace safety is regulated under the **Safety Act, Section 22(1)(2)(3)**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Offence And Punishment

Offences by Employer

(1) Every **employer** or person acting on behalf of an **employer** or person in charge of an establishment is guilty of an offence who:

(a) contravenes this Act or the regulations;

(b) fails to comply with a direction made by a safety officer;
or

(c) discharges, suspends or disciplines, or threatens to discharge, suspend or discipline, or otherwise discriminates or threatens to discriminate against a person because that person:

(i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act,

(ii) has given information to the Commission or a safety officer regarding conditions of work affecting the health or safety of that person or of any of the workers with whom that

person works,

(iii) is a member of a Committee or is an occupational health and safety representative or exercises the powers or performs the duties as a member of a Committee or an occupational health and safety representative, or

(iv) has exercised his or her right to refuse to work under section 13.

Punishment (2) Every **employer** or person acting on behalf of an **employer** or person in charge of an establishment who is guilty of an offence under this Act or the regulations is liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year or to both.

Peines Reinstatement and Compensation

(3) Where there is a conviction under paragraph:

(1)(c), the court may, in addition to any other punishment, order the **employer**:

(a) to cease the disciplinary or discriminatory action;

(b) to pay compensation for loss of employment to the worker that, in the opinion of the court, would have accrued to the worker up to the date of conviction but for the discharge, suspension or disciplinary or discriminatory action;

(c) to reinstate the worker to his or her former position on a date that, in the opinion of the court, is just and proper in the circumstances and under the same terms and conditions under which the worker was formerly employed; and

(d) to remove any reference to the discharge, suspension, disciplinary or discriminatory action from the worker's record. **Section 22(1) to (3).**

Further details on the Safety Act can be found at Gov.NT.ca.

NUNAVUT

In Nunavut, disciplinary action related to workplace safety is regulated under the **Safety Act, Section 22(1)(2)(3)**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Offence and Punishment

Offences by Employer

(1) Every **employer** or person acting on behalf of an **employer** or person in charge of an establishment is guilty of an offence who:

- (a) contravenes this Act or the regulations;
- (b) fails to comply with a direction made by a safety officer;
or
- (c) discharges, suspends or disciplines, or threatens to discharge, suspend or discipline, or otherwise discriminates or threatens to discriminate against a person because that person:
 - (i) has testified or is about to testify in any proceeding or inquiry had or taken under this Act,
 - (ii) has given information to the Commission or a safety officer regarding conditions of work affecting the health or safety of that person or of any of the workers with whom that person works,
 - (iii) is a member of a Committee or is an occupational health and safety representative or exercises the powers or performs the duties as a member of a Committee or an occupational health and safety representative, or

(iv) has exercised his or her right to refuse to work under section 13.

Punishment (2) Every **employer** or person acting on behalf of an **employer** or person in charge of an establishment who is guilty of an offence under this Act or the regulations is liable on summary conviction to a fine not exceeding \$500,000 or to imprisonment for a term not exceeding one year or to both.

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(3) Where there is a conviction under paragraph:

(1)(c), the court may, in addition to any other punishment, order the **employer:**

(a) to cease the disciplinary or discriminatory action;

(b) to pay compensation for loss of employment to the worker that, in the opinion of the court, would have accrued to the worker up to the date of conviction but for the discharge, suspension or disciplinary or discriminatory action;

(c) to reinstate the worker to his or her former position on a date that, in the opinion of the court, is just and proper in the circumstances and under the same terms and conditions under which the worker was formerly employed; and

(d) to remove any reference to the discharge, suspension, disciplinary or discriminatory action from the worker's record. **Section 22(1) to (3).**

Further details on the Safety Act can be found at Gov.NT.ca.

ONTARIO

In Ontario, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Act – Part VI Reprisals by Employer Prohibited, Section 50**. These regulations ensure that workers are protected from unjust

disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as refusing unsafe work, reporting workplace hazards, or participating in health and safety activities.

Reprisals by Employer Prohibited – Part VI

No Discipline, Dismissal, etc., by Employer

(1) No **employer** or person acting on behalf of an **employer** shall,

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty upon a worker; or

(d) intimidate or coerce a worker, because the worker has acted in compliance with this Act or the regulations or an order made thereunder, has sought the enforcement of this Act or the regulations or has given evidence in a proceeding in respect of the enforcement of this Act or the regulations or in an inquest under the *Coroners Act*.

Arbitration

(2) Where a worker complains that an **employer** or person acting on behalf of an **employer** has contravened subsection (1), the worker may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Board in which case any rules governing the practice and procedure of the Board apply with all necessary modifications to the complaint.

Referral by Inspector

(2.1) Where the circumstances warrant, an inspector may refer

a matter to the Board if the following conditions are met:

1. The worker has not had the matter dealt with by final and binding settlement by arbitration under a collective agreement or filed a complaint with the Board under subsection (2).

2. The worker consents to the referral.

(2.2) Any rules governing the practice and procedure of the Board apply with all necessary modifications to a referral made under subsection (2.1).

Referral not an Order

(2.3) A referral made under subsection (2.1) is not an order or decision for the purposes of section 61.

Inquiry by Board

(3) The Board may inquire into any complaint filed under subsection (2) or referral made under subsection (2.1) and section 96 of the *Labour Relations Act, 1995*, except subsection (5), applies with all necessary modifications as if such section, except subsection (5), is enacted in and forms part of this Act.

(4) On an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), sections 110, 111, 114 and 116 of the *Labour Relations Act, 1995* apply with all necessary modifications.

Rules to Expedite Proceedings

(4.1) The chair of the Board may make rules under subsection 110 (18) of the *Labour Relations Act, 1995* to expedite proceedings relating to a complaint filed under subsection (2) or a referral made under subsection (2.1).

(4.2) Subsections 110 (20), (21) and (22) of the *Labour Relations Act, 1995* apply, with necessary modifications, to

rules made under subsection (4.1).

Onus of Proof

(5) On an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), the burden of proof that an **employer** or person acting on behalf of an **employer** did not act contrary to subsection (1) lies upon the **employer** or the person acting on behalf of the **employer**.

Jurisdiction when Complaint by Public Servant

(6) The Board **shall** exercise jurisdiction under this section when a complaint filed under subsection (2) or a referral made under subsection (2.1) is in respect of a worker who is a public servant within the meaning of the *Public Service of Ontario Act, 2006*.

Board may Substitute Penalty

(7) Where on an inquiry by the Board into a complaint filed under subsection (2) or a referral made under subsection (2.1), the Board determines that a worker has been discharged or otherwise disciplined by an **employer** for cause and the contract of employment or the collective agreement, as the case may be, does not contain a specific penalty for the infraction, the Board may substitute such other penalty for the discharge or discipline as to the Board seems just and reasonable in all the circumstances.

Exception

(8) Despite subsections (2) and (2.1), a police officer under the *Community Safety and Policing Act, 2019* **shall** have his or her complaint in relation to an alleged contravention of subsection (1) dealt with under section 191 of that Act, with necessary modifications. **Section 50(1) to (8).**

Further details on the Occupational Health and Safety Act and

Employment Standards Act can be found at [Ontario.ca](https://www.ontario.ca).

PRINCE EDWARD ISLAND

In Prince Edward Island, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Act, Sections 30 and 31**, and the **Employment Standards Act, Section 5.10**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Discriminatory Action

(1) No **employer** or union **shall**:

- (a) take discriminatory action against a worker;
- (b) threaten to take discriminatory action against a worker;
- (c) except as provided in subsection 29(6), impose a penalty on a worker; or
- (d) intimidate or coerce a worker because the worker has sought the enforcement of this Act, the regulations or an order made in accordance with this Act or the regulations, or has acted in compliance with this Act, the regulations or an order made in accordance with this Act or the regulations.

Reassignment

(2) A reassignment under subsection 29(3) is not discriminatory action under this section. **Section 30(1)(2).**

Settlement by Arbitration

(1) Where a worker complains that an **employer** or a union has violated section 30, the worker may have the matter dealt with either by final and binding settlement by arbitration under a

collective agreement, if any, or by filing a complaint in writing with the Board.

Referral to Arbitrator by Board

(2) On receipt of a complaint referred to in subsection (1), the Board **shall**, having satisfied itself that all **required** steps to resolve the complaint have been exhausted, refer the complaint to an arbitrator whom the Board **shall** appoint.

Powers

(3) An arbitrator has all the powers of an arbitrator under the Labour Act R.S.P.E.I. 1988, Cap. L-1.

Orders

(4) Where an arbitrator finds that the action of an **employer** or a union contravened subsection 30(1), the arbitrator **shall** make an order in writing that may include:

(a) an order to the **employer** or union to cease the discriminatory action;

(b) an order to an **employer** to reinstate the worker to the worker's former employment under the same terms and conditions on which the worker was formerly employed;

(c) an order to the **employer** to pay to the worker any wages the worker lost because the worker was wrongfully discriminated against; or

(d) an order to the **employer** or union that a reprimand or other reference to the matter in the employer's or union's records on the worker's conduct be removed.

Copies of Order

(5) The arbitrator **shall** provide a copy of the order and his or her reasons to the Board, to the **employer** or union and to the worker. **Section 31(1) to (5).**

For more information:

- Order filed in Supreme Court. **Section 31(6).**
- Order enforced as judgment. **Section 31(7).**
- Anti-reprisal. **Section 5.10.**

Further details on the Occupational Health and Safety Act and the Employment Standards Act can be found at PrinceEdwardIsland.ca and PEI.ca.

QUÉBEC

In Quebec, disciplinary action related to workplace safety is regulated under the **Act Respecting Occupational Health and Safety – Chapter III Rights and Obligations, Division I The Worker, Sections 28 to 31**, and the **Act Respecting Labour Standards – Chapter V Recourses, Division II Recourse Against Prohibited Practices, Sections 122 and 123, and Division III Recourse Against Dismissals Not Made for Good and Sufficient Cause, Section 124**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as reporting workplace hazards or refusing unsafe work.

Division I – The Worker

Where the exercise of the right of refusal results in depriving other workers of the undertaking of work, these other workers are deemed to be at work for the duration of the work stoppage.

The **employer** may, however, assign the other workers to other duties that they are reasonably capable of performing or require that they remain available at the workplace during the whole period thus remunerated. **Section 28.**

The **employer must** allow the safety representative or, as the

case may be, the person replacing him, to exercise the functions vested in him by sections 16, 18, 21 and 23. **Section 29.**

The safety representative or the person replacing him is deemed to be working when he is exercising the functions vested in him referred to in this section.

No **employer** may dismiss, suspend or transfer a worker, practice discrimination or take reprisals against him or impose any other penalty on him on the ground that the worker exercised the right contemplated in section 12. **Section 30.**

However, the **employer** may, within the 10 days following a final decision, dismiss, suspend or transfer the worker or impose another penalty on him if the worker abused his right.

No **employer** may dismiss, suspend or transfer a safety representative or the person replacing him, practice discrimination or take reprisals against him or impose any other penalty on him on the ground that the safety representative or person replacing him exercised a function conferred on him by this Act. **Section 31.**

However, the **employer**, within the 10 days following a final decision respecting a worker's exercise of his right of refusal, may dismiss, suspend or transfer the safety representative or person replacing him or impose another penalty on him if the representative or person abused his function.

Division III Recourse Against Dismissals Not Made for Good and Sufficient Cause

An employee credited with two years of uninterrupted service in the same enterprise who believes they have not been dismissed for a good and sufficient cause may present a complaint in writing to the Commission des normes, de l'équité, de la santé et de la sécurité du travail or mail it

to the address of the Commission des normes, de l'équité, de la santé et de la sécurité du travail within 45 days of the dismissal, except where a remedial procedure, other than a recourse in damages, is provided elsewhere in this Act, in another Act or in an agreement. **Section 124.**

If the complaint is filed with the Administrative Labour Tribunal within this period, failure to have presented it to the Commission des normes, de l'équité, de la santé et de la sécurité du travail cannot be set up against the complainant.

For more information:

- Division II – Recourse Against Prohibited Practices.
Sections 122, 122.1 and 123.

Further details on the Act Respecting Occupational Health and Safety and the Act Respecting Labour Standards can be found at Legisquebec.gouv.QC.ca and Gouv.QC.ca.

SASKATCHEWAN

In Saskatchewan, disciplinary action related to workplace safety is regulated under the **Saskatchewan Employment Act – Part II Employment Standards, Division 5 Right to Refuse Dangerous Work; Discriminatory Action, Section 3-35**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as refusing dangerous work or reporting workplace hazards.

Discriminatory Action Prohibited

No **employer shall** take discriminatory action against a worker because the worker:

(a) acts or has acted in compliance with:

(i) this Part or the regulations made pursuant to this Part;

- (ii) Part V or the regulations made pursuant to that Part;
 - (iii) a code of practice issued pursuant to section 3-84; or
 - (iv) a notice of contravention or a requirement or prohibition contained in a notice of contravention;
- (b) seeks or has sought the enforcement of:
- (i) this Part or the regulations made pursuant to this Part;
or
 - (ii) Part V or the regulations made pursuant to that Part;
- (c) assists or has assisted with the activities of an occupational health committee or occupational health and safety representative;
- (d) seeks or has sought the establishment of an occupational health committee or the designation of an occupational health and safety representative;
- (e) performs or has performed the function of an occupational health committee member or occupational health and safety representative;
- (f) refuses or has refused to perform an act or series of acts pursuant to section 3-31;
- (g) is about to testify or has testified in any proceeding or inquiry pursuant to:
- (i) this Part or the regulations made pursuant to this Part;
or
 - (ii) Part V or the regulations made pursuant to that Part;
- (h) gives or has given information to an occupational health committee, an occupational health and safety representative, an occupational health officer or other person responsible for the administration of this Part or the regulations made

pursuant to this Part with respect to the health and safety of workers at a place of employment;

(i) gives or has given information to a radiation health officer within the meaning of Part V or to any other person responsible for the administration of that Part or the regulations made pursuant to that Part;

(j) is or has been prevented from working because a notice of contravention with respect to the worker's work has been served on the **employer**; or

(k) has been prevented from working because an order has been served pursuant to Part V or the regulations made pursuant to that Part on an owner, vendor or operator within the meaning of that Part. **Section 3-35(a) to (k).**

Further details on the Saskatchewan Employment Act can be found at Saskatchewan.ca.

YUKON

In Yukon, disciplinary action related to workplace safety is regulated under the **Occupational Health and Safety Act, Section 18**. These regulations ensure that workers are protected from unjust disciplinary measures, particularly when they exercise their rights under occupational health and safety laws, such as refusing unsafe work or reporting workplace hazards.

Action against employee:

(1) No **employer** or trade union or person acting on behalf of an **employer** or trade union **shall**:

(a) dismiss or threaten to dismiss a worker;

(b) discipline or suspend or threaten to discipline or suspend a worker;

(c) impose any penalty on a worker;

(d) intimidate or coerce or attempt to intimidate or coerce a worker or a member of the worker's family; or

(e) take any discriminatory action against an employee because the worker has acted in compliance with this Act or the regulations or an order made thereunder or has in good faith sought enforcement of this Act or the regulations.

(2) If an **employer** or trade union or person acting on behalf of an **employer** or trade union is convicted of a contravention of subsection (1), the convicting court may order:

(a) the **employer** or trade union or a person acting on behalf of an **employer** or trade union to cease the conduct that is in contravention, if that conduct is continuing, and to reinstate the worker to their former employment under the same terms and conditions under which they were formerly employed;

(b) the **employer** to pay to the worker any wages the worker was deprived of by the contravention; and

(c) the **employer** or the trade union, as the case may be, to remove any reprimand or other reference to the matter in the employer's or trade union's records on the worker's conduct.

Section 18(1)(2).

Further details on the Occupational Health and Safety Act can be found at Yukon.ca.