

Having Lawyer Write Company a Letter ≠ Grounds for OHS Reprisal Claim



OHS Act, Section 50: Employers aren't allowed to fire a worker because he/she 'has acted in compliance with . . . or sought the enforcement of the' OHS Act or regulations (emphasis added)

An office worker who felt she was being harassed at work never uttered a word of complaint to her bosses. But after getting a negative performance review and being asked to sign a performance improvement plan, her resistance stiffened'sort of. She hired a lawyer to write a letter contending that the review was unfair and should be changed and expressing the worker's unwillingness to sign the improvement plan. About 2 weeks later, she got fired. The worker claimed reprisal but the OLRB dismissed her complaint. Simply having a lawyer write a letter wasn't an attempt to 'seek enforcement' of the *OHS Act* (specifically, the anti-harassment provisions) triggering the reprisal protections of Section 50, the Board concluded [[Stone v Chartered Professional Accountants of Ontario](#), 2018 CanLII 93852 (ON LRB), Oct. 1, 2018].