

Job Assignment Not Retaliation for Raising a Safety Concern



A contract administrator claimed he was assigned to a less desirable project 5 days in retaliation for expressing concern about a contractor's use of unlicensed electricians. The timing of the assignment came 5 days after the complaint was enough to create a case and shift the burden to the employer to prove that retaliation was *not* one of the factors in the decision, said the Board. But the employer was able to meet that burden and prove that the decision where to assign the administrator was based on legitimate, non-discriminatory criteria regarding the administrator's suitability for the assignment [*U.I.X. v Manitoba Hydro*, 2018 CanLII 5416 (MB LB), Jan. 24, 2018].