

Navigating Workplace Safety Whistleblowing in Canada: A Guide For OHS Managers



Workplace safety is more than just compliance—it represents an employer’s commitment to their employees’ wellbeing. Employees must be free to voice concerns about hazards without fearing negative repercussions. This act, commonly referred to as “whistleblowing,” has important legal protections across Canada. However, understanding exactly what’s protected and how employers must respond can be complex for Occupational Health and Safety (OHS) professionals.

In this article, we’ll explore whistleblower laws in Canada, the protections they provide, how employers should respond to whistleblowing incidents, and how OHS managers can foster workplaces where safety concerns are addressed proactively – reducing the need for whistleblowing in the first place.

Whistleblower Protection: What Does Canadian Law Say?

In Canada, protections for workplace whistleblowers vary depending on whether an employee works in the public or private sector, and on the jurisdiction (federal or provincial). At the federal level, public sector employees are protected under the **Public Servants Disclosure Protection Act**

(PSDPA). This Act specifically covers disclosures relating to violations of laws, gross mismanagement, misuse of public funds, and dangers to health, safety, or the environment.

However, in the private sector and across provinces, protections come from provincial occupational health and safety laws. Most provincial laws explicitly forbid retaliation against employees who raise safety concerns or refuse unsafe work. For example, Ontario's Occupational Health and Safety Act and British Columbia's Workers Compensation Act both prohibit employer retaliation against employees who speak up about safety issues.

Protected vs. Unprotected Disclosures

Not every complaint qualifies as whistleblowing. To be legally protected, a disclosure generally must be made in good faith, highlighting genuine risks or legal violations related to workplace safety, environment, or management misconduct.

Typical protected disclosures include reporting:

- Unsafe work conditions or practices.
- Violations of safety regulations or laws.
- Risks to employee health or the environment.

Disclosures that are not protected typically involve personal grievances or workplace conflicts that don't involve safety violations or broader public concerns. Additionally, knowingly false or malicious disclosures are not protected and can lead to disciplinary actions.

Real-World Consequences: What

Happens When Employers Ignore Protections?

Real Canadian workplaces have faced serious consequences for failing to uphold whistleblower protections:

- **Ontario Construction Company (2020):** A construction worker refused to perform duties on unsafe scaffolding. The supervisor retaliated by suspending the worker. Following an investigation by Ontario's Ministry of Labour, the company faced fines totaling more than \$50,000.
- **British Columbia Manufacturing Firm (2018):** A worker reported unsafe equipment and was dismissed shortly after. WorkSafeBC conducted an investigation, resulting in penalties and legal fees exceeding \$80,000, along with reputational harm.

Cases like these highlight how misunderstanding whistleblower protections can lead to severe financial penalties, regulatory scrutiny, and lasting damage to corporate reputation.

How Should Employers Respond to Whistleblower Situations?

When a whistleblowing event occurs, employers must respond swiftly and effectively. The key is maintaining compliance, ensuring confidentiality, and focusing on solutions rather than punitive actions. Employers should acknowledge the disclosure promptly, conduct a confidential and unbiased investigation, and communicate transparently (to the extent allowed by privacy regulations) with the whistleblower about the investigation's outcome. Crucially, employers must actively prevent retaliation and support the whistleblower during and after the process.

OHS Manager's Role in Ensuring Proper Response

OHS managers play a central role in guiding their organizations through whistleblower situations. They should ensure clear whistleblower policies are available and easily understood by all employees and supervisors. Regular training should be provided to educate staff about their rights and responsibilities related to whistleblowing and workplace safety.

Moreover, OHS managers should promote an organizational culture of trust and openness, encouraging workers to report safety concerns without fear. Regularly reviewing and improving whistleblower processes helps maintain compliance and ensures employee trust.

Creating a Proactive Safety Communication Environment

Ideally, whistleblowing shouldn't be a frequent necessity. By creating an environment where safety issues are openly discussed and addressed proactively, the need for whistleblowing diminishes significantly. This means establishing multiple communication channels for safety concerns, providing positive reinforcement for employees who speak up, and conducting regular audits to proactively identify and address safety issues.

Jurisdiction	Law	Summary of Anti-Retaliation Provision	Link to Legislation
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Jurisdiction	Law	Summary of Anti-Retaliation Provision	Link to Legislation
Federal	Public Servants Disclosure Protection Act	Protects public servants from reprisals for whistleblowing.	PSDPA
Ontario	Occupational Health and Safety Act (OHSA)	Workers protected from employer retaliation regarding safety.	Ontario OHSA
British Columbia	Workers' Compensation Act	Prohibits retaliation against workers raising safety issues.	BC Act
Alberta	Occupational Health and Safety Act	Protects workers exercising safety-related rights from retaliation.	Alberta OHSA
Québec	Act Respecting Occupational Health and Safety	Protection against reprisals when refusing unsafe work or reporting hazards.	Quebec Act
Manitoba	Workplace Safety and Health Act	No retaliation allowed for workers exercising their safety rights.	Manitoba Act
Saskatchewan	Saskatchewan Employment Act	Prohibits retaliatory actions against safety whistleblowers.	Saskatchewan Act

Jurisdiction	Law	Summary of Anti-Retaliation Provision	Link to Legislation
Nova Scotia	Occupational Health and Safety Act	Workers protected against employer retaliation for safety reporting.	Nova Scotia Act
New Brunswick	Occupational Health and Safety Act	Prohibits reprisals against employees who raise safety issues.	New Brunswick Act
Prince Edward Island	Occupational Health and Safety Act	Explicitly protects employees from reprisals related to safety concerns.	PEI Act
Newfoundland & Labrador	Occupational Health and Safety Act	Prohibits employer retaliation for safety complaints or refusals.	NL Act
Northwest Territories	Safety Act	Prohibits retaliation related to safety whistleblowing.	NWT Act
Yukon	Occupational Health and Safety Act	Protection against retaliation for refusing unsafe tasks or reporting concerns.	Yukon Act
Nunavut	Safety Act	Workers protected from employer retaliation related to whistleblowing.	Nunavut Act

Sources

1. [Canada Public Servants Disclosure Protection Act \(PSDPA\)](#)

2. [Ontario Occupational Health and Safety Act](#)
3. [British Columbia Workers Compensation Act](#)
4. [Alberta Occupational Health and Safety Act](#)
5. [Quebec Act Respecting Occupational Health and Safety](#)
6. [Manitoba Workplace Safety and Health Act](#)
7. [Saskatchewan Employment Act](#)
8. [Nova Scotia Occupational Health and Safety Act](#)