

No Reprisal Protection Unless Worker Reports Safety Concerns to WHSCC



A consultant on a construction site expressed safety concerns to his boss, the general contractor. Dissatisfied with the response, he went over their head to the project manager. Shortly thereafter, the general contractor terminated his contract. The consultant claimed the contractor violated Sec. 49(c) of the *OHS Act*, which bans employers from firing or taking ‘discriminatory action’ against a worker for giving information to the WHSCC or ‘another person concerned with administration of the Act.’ The Labour Board dismissed the case. Under Sec. 47, workers who report safety concerns to their supervisor and aren’t satisfied with the response must take their issue to the WHSCC. But the consultant never reported his safety concerns to the WHSCC. And the project manager didn’t count as ‘another person concerned with administration of the Act’ for purposes of invoking the discrimination protections of Sec. 49. The consultant appealed but the Supreme Court found the Board’s ruling reasonable and refused to overturn it [[Tucker v Newfoundland and Labrador Labour Relations Board](#), 2018 NLSC 37 (CanLII), Feb. 19, 2018].