

OK to Fire Supervisor for Spreading Rumors Employer Bribed MOL Inspector



Employers are barred from retaliating against workers who exercise their rights under the OHS laws. If an employer *does* engage in retaliation, it can be fined or forced to pay the worker damages.

But workers can engage in retaliation, too. And if they're caught, the consequences could include justified termination.

That's what happened to an Ontario shift supervisor, who didn't think his employer or the Ministry of Labour were taking his safety complaints seriously.

After a worker got his hand caught in a machine, the supervisor complained to his supervisors that the machine was unsafe and needed to be fixed. He claimed that they ignored and harassed him.

The supervisor was later caught asleep on the job. During a meeting about this incident, he complained again about unsafe machines and being harassed on the job. After the meeting, he filed a complaint with the MOL.

The MOL sent an inspector to investigate the supervisor's allegations. The inspector issued a stop work order as to one machine, requiring the employer to draft certain procedures and conduct additional training on it.

The supervisor then complained that he wasn't given appropriate gloves for a job involving chemicals. An MOL inspector investigated this claim and issued no orders.

The employer issued the supervisor a written warning, his sixth, and suspended him for three days after he refused to wear a face mask when required.

In response, the supervisor started telling co-workers that the employer had paid an MOL inspector not to find any wrongdoing on its part as to his safety complaints. He also spread the rumor the employer was closing.

He was fired for, among other things, making slanderous comments and creating a poisoned work environment. The supervisor claimed his firing was as an illegal reprisal.

The court found that, over the course of several years, the employer had given the supervisor 'ample verbal and written warnings of its dissatisfaction with his performance and conduct' and every opportunity to improve his behaviour. The employer also documented his misconduct, which ranged from approving products that were missing labels to letting workers leave early without punching their timecards.

In addition, three co-workers signed a statement saying the supervisor had told them that one of MOL inspectors was a 'rat' and had been paid off not to support any of his safety complaints.

The court concluded that as a result of his cumulative acts of poor performance and his conduct specifically intended to harm the employer, it was justified in firing him [[Chopra v. Easy Plastic Containers Ltd.](#), [2014] ONSC 3666 (CanLII), June 19, 2014].