

Rail Worker's Refusal Based on Harassment Claims Wasn't Warranted



A rail worker refused to work, claiming she was subjected to harassment because of her accommodations for a workplace injury. A health and safety inspector investigated the refusal and ordered the rail company to appoint a competent person to investigate unresolved workplace violence. The rail company challenged the order. The OHS Tribunal found that the worker wasn't exposed to a danger at the time of her refusal. In addition, it concluded that the evidence didn't establish that the events over three and a half years leading up to and including the refusal could be characterized as harassment or violence towards the worker. Thus, the order should be rescinded [*VIA Rail Canada Inc. v. Cecile Mulhern and Unifor*, [2014] OHSTC 3, April 4, 2014].