

# Was Worker Fired AFTER Work Refusal Fired BECAUSE OF Work Refusal?



On his second day of work, a plant worker engaged in a work refusal due to concerns about asbestos. The worker was apparently quite upset and behaving aggressively. To avoid a potential disturbance, the supervisor asked the worker to go home and await the results of air sampling tests. What happened next is unclear. The supervisor claimed the worker went through the halls yelling and screaming; the worker denied the charges. What was undisputed is that the worker got fired. The worker claimed reprisal and the OHS official who investigated the matter. The Alberta Labour Relations Board rejected the employer's request to toss the complaint. Since the evidence was conflicted, the case should proceed to a hearing, it concluded [*Bortnik v Irwin's Safety and Labour Services Ltd.*, Board File No. OHS 2020-18, November 12, 2020].