

# Whistleblower's Stress ≠ Kind of Danger Justifying a Work Refusal



A senior program advisor at the Employment and Social Development Canada (ESDC) Passport Strategic Modernization Office initiated a work refusal citing the mental stress he was suffering from pursuing a whistleblower complaint with the Auditor General (AG). The ESDC investigated and found no danger. The advisor appealed and the JHSC came to the same conclusion. The advisor then asked the Labour Program to investigate. Same result. Out of investigation appeals but determined to continue the refusal, he took his case to the OHS Tribunal. Sure enough, the Tribunal confirmed the no danger determination. The point of refusal rights is to protect workers from work dangers, the Tribunal reasoned, and stress associated with an AG whistleblower case in no way relates to the workplace or work duties of an ESDC official [[Morin v. Employment and Social Development Canada](#), 2018 OHSTC 5 (CanLII), May 22, 2018].