

Worker Got Fired After, Not Because She Complained of Safety



The Alberta OHS reprisal law is a bit confusing. It bans employers from taking 'discriminatory action,' defined as including termination, against workers **because they** exercise their OHS rights. In other words, firing may be discriminatory action but it isn't illegal 'discrimination'/reprisal if it's not because the worker exercised an OHS right. One person who didn't quite get this was the worker who got fired **after but not for** complaining about safety; she was flabbergasted that the OHS officer tossed her complaint even after finding that she did, in fact, suffer 'discriminatory action,' namely getting fired. But as the OHS Tribunal explained, the decision was legally sound because the investigator concluded that the employer had a non-discriminatory reason to fire her [*Mtouguy v. Francophonie Albertaine Plurielle Association*, Board File No. OHS2020-20, March 19, 2021].