

Worker Wasn't Fired over Work Refusal Based on Alleged Scent Sensitivity



A worker claimed that his employer had failed to accommodate his scent sensitivities and thus created an unsafe workplace. And when he exercised his right to refuse unsafe work under the OHS law, his employer fired him. The employer claimed that it fired him for insubordination and disrespectful conduct. The Labour Board found that the worker didn't prove that his exposure to certain scents was 'likely to endanger him.' The employer had cause to discipline him for his treatment of and conduct towards his co-workers and managers. Moreover, the worker had a history of such conduct and had, in fact, been previously disciplined for similar behaviour. So the Board concluded that the employer's decision to fire him was solely based on legitimate business interests [*Gillis v. Nova Scotia (Public Service Commission)*, [2016] NSLB 100 (CanLII), Feb. 16, 2016].