

Worker's Health Concerns Factored into Decision to Fire Her, Says OLRB



A maintenance worker refused to clean an attic that had been overrun with pigeons and other nesting animals without PPE. Two days later, she was fired. The company claimed the timing was just a coincidence and that she was laid off as part of a planned staff reduction necessitated by lack of work. But the OLRB didn't buy it, noting that the timing was highly suspicious. Expressing health and safety concerns did factor into the decision to terminate, the OLRB concluded, and awarded the worker \$4,000 in damages [*William Joseph Thorogood v North 44 Property Management*, 2018 CanLII 82724 (ON LRB), Aug. 30, 2018].

Editor's Note: In Ontario, employers in reprisal cases have the burden of proving that disciplining a worker after he exercises an OHS right is *not* a reprisal. As this case shows, that burden works against employers in close cases.