



Protection from Retaliation

In previous issues of *The Teacher*, we have reviewed the various rights that employees have under the Nova Scotia Occupational Health and Safety Act and the Violence in the Workplace Regulations under that Act.

For example, if an employee has a concern about a risk to health and safety in the workplace, the employee has the right to raise that concern with his or her supervisor, and if not satisfied with the response, to bring his or her concern to the Joint Occupational Health and Safety Committee, and if not satisfied with the Committee's response, to take his or her concern to an Officer of the Occupational Health and Safety Division of the Nova Scotia Department of Labour and Advanced Education.

As well, an employee has the right to refuse to do any act at his or her place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety.

Also, an employee who is exposed to a significant risk of violence in the workplace must be provided with information on the nature and extent of the risk and on any factors that may increase or decrease the extent of the risk, and with adequate training, including, for example, how to respond to an incident of violence and how to obtain assistance.

Another important right of employees under the Occupational Health and Safety Act is the protection from retaliatory action for seeking enforcement of the Act or the Violence in the Workplace Regulations.

The Act defines "discriminatory action" as "an action that adversely affects an employee with respect to terms and conditions of employment or any opportunity for employment or promotion," including, of course, dismissal or suspension, but also "coercion, intimidation, imposition of any discipline, reprimand or other penalty..."

Examples of the types of activities that are protected from retaliation are:

- Participation in or association with a joint occupational health and safety committee
- A refusal to work undertaken pursuant to the Act
- Seeking information that the employee is entitled to under the Act
- Testifying in a proceeding under the Act
- Giving information to the joint occupational health and safety committee or the Division of Occupational Health and Safety of the Nova Scotia Department of Labour and Advanced Education

The Nova Scotia Teachers Union encourages its members to raise concerns about risks to health and safety at work, and to be assured that you have a right not to be retaliated against for raising those concerns. If you have any questions about your rights under the Occupational Health and Safety Act, please contact an NSTU Executive Staff Officer.

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