

Environmental Protection Act

Unjust dismissal, compliance with Act, etc.

1. 174. (1) In this section,

"Board" means the Ontario Labour Relations Board. R.S.O. 1990, c. E.19, s. 174 (1).

Unjust dismissal

(2) No employer shall,

- (a) dismiss an employee;
- (b) discipline an employee;
- (c) penalize an employee; or
- (d) coerce or intimidate or attempt to coerce or intimidate an employee,

because the employee has complied or may comply with,

(e) the *Environmental Assessment Act*;

(f) the *Environmental Protection Act*;

(g) the *Fisheries Act* (Canada);

(g.1) the *Nutrient Management Act, 2002*;

(h) the *Ontario Water Resources Act*;

(i) the *Pesticides Act*;

(j) the *Safe Drinking Water Act, 2002*; or

(k) the *Toxics Reduction Act, 2009*,

or a regulation under one of those Acts or an order, term or condition, certificate of approval, certificate of property use, renewable energy approval, licence, permit or direction under one of those Acts or because the employee has sought or may seek the enforcement of one of those Acts or a regulation under one of those Acts or has given or may give information to the Ministry or a provincial officer or has been or may be called upon to testify in a proceeding related to one of those Acts or a regulation under one of those Acts. R.S.O. 1990, c. E.19, s. 174 (2); 2001, c. 17, s. 2 (40); 2002, c. 4, s. 62 (5); 2009, c. 12, Sched. G, s. 17; 2009, c. 19, s. 67 (10).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is amended by striking out "certificate of approval, certificate of property use, renewable energy approval, licence" in the portion after clause (k) and substituting "environmental compliance approval, certificate of property use, renewable energy approval, licence". See:

2010, c. 16, Sched. 7, ss. 2 (66), 9 (2).

Complaint

(3) A person complaining of a contravention of subsection (2) may file the complaint in writing with the Board. R.S.O. 1990, c. E.19, s. 174 (3).

Where complaint referred to O.L.R.B.

(4) Where a complaint is filed in writing with the Board,

(a) the Board may authorize a labour relations officer to inquire into the complaint; or

(b) the Board may inquire into the complaint. R.S.O. 1990, c. E.19, s. 174 (4).

Labour relations officer

(5) A labour relations officer who is authorized to inquire into the complaint shall make an inquiry forthwith and shall endeavour to effect a settlement of the matter complained of and shall report the results of the inquiry and endeavours to the Board. R.S.O. 1990, c. E.19, s. 174 (5).

Where settlement not reached

(6) Where the labour relations officer is unable to effect a settlement of the matter complained of, the Board may inquire into the complaint. R.S.O. 1990, c. E.19, s. 174 (6).

Inquiry by O.L.R.B.

(7) Where the Board inquires into the complaint and is satisfied that an employer has contravened subsection (2), the Board shall determine what, if anything, the employer shall do or refrain from doing with respect thereto. R.S.O. 1990, c. E.19, s. 174 (7).

Determination

(8) A determination under subsection (7) may include, but is not limited to, one or more of,

(a) an order directing the employer to cease doing the act or acts complained of;

(b) an order directing the employer to rectify the act or acts complained of; or

(c) an order directing the employer to reinstate in employment the complainant, with or without compensation, or to compensate in lieu of hiring or reinstatement for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer. R.S.O. 1990, c. E.19, s. 174 (8).

Application

(9) A determination by the Board under subsection (7) applies despite a provision of an agreement. R.S.O. 1990, c. E.19, s. 174 (9).

Burden of proof

(10) On an inquiry under this section, the burden of proof that an employer did not contravene subsection (2) lies upon the employer. R.S.O. 1990, c. E.19, s. 174 (10).