

## RETALIATION

### WHAT IS RETALIATION?

Retaliation, or reprisal, is any measure, or threat, taken against someone for claiming or asserting a legal right. The acts of retaliation could include different working conditions, disciplinary measures, demotion or even termination of employment.

The *Employment Standards Act*, the *Occupational Health and Safety Act*, and the *Human Rights Act* in turn protect against retaliation against a person who seeks to claim or assert their respective statutory rights.

To be clear, while these laws prohibit retaliation, they do not prevent employers, or other co-workers, from retaliating in the workplace. If you are a victim of retaliation, please see the "How to file a complaint" section below for information on how to assert your rights under these laws.

Reminder:

- *The Occupational Health and Safety Act* guarantees a healthy and safe physical and psychological workplace.
- *The Human Rights Act* prohibits sexual harassment in the workplace.
- *The Employment Standards Act* protects employees who claim violations of provincial and federal legislation, including the Occupational Health and Safety Act and the Human Rights Act.

Workplace harassment policies also prohibit retaliation.

### WHAT ARE THE LEGAL RISKS FOR EMPLOYERS?

*Employment Standards Act*: retaliation may lead to an obligation to cease discrimination, pay an administrative fine, compensate the employee for financial loss and, in the case of dismissal, reinstate the employee.

*Occupational Health and Safety Act*: retaliation may lead to an obligation to cease discrimination, reinstate a dismissed employee to his or her job under the same working conditions as before, and pay the employee lost wages.

**Human Rights Act:** retaliation may lead to an obligation to cease discrimination, to reinstate a dismissed employee with back pay, or to compensate the victim of harassment, in the form of damages, for emotional or financial suffering.

## HOW TO FILE A COMPLAINT

If you feel you have been the victim of retaliation at work, the relevant laws protecting you against retaliation also provide complaint mechanisms, which are explained below.

**Employment Standards Act:** To file a complaint, fill out [the forms on the Employment Standards Branch website](#) or call 1-888-487-2824 (toll-free).

**Human Rights Act:** To file a complaint, complete the forms on the Human Rights Commission's [Filing a Complaint page](#). If you need help completing them, you can contact the Human Rights Commission at 1-888-471-2233 (toll-free) or [hrc.cdp@gnb.ca](mailto:hrc.cdp@gnb.ca).

**Occupational Health and Safety Act:** To file a complaint, you must fill out the [forms on the WorkSafeNB website](#). You can also obtain them by contacting WorkSafe NB at 1-800-999-9775 (option "2") (toll-free) or [compliance.conformite@ws-ts.nb.ca](mailto:compliance.conformite@ws-ts.nb.ca).