

# The 6 Principles of Disciplining Workers for Safety Infractions



Disciplining workers who violate your company's safety rules and procedures is tricky business.

On one hand, you *must* impose discipline to enforce these rules, deter infractions and preserve any due diligence you may want to raise in the future. But on the other hand, if you, say, automatically fire a worker who commits a safety infraction, the company could face a grievance or wrongful dismissal lawsuit.

So what's a safety professional to do? Attend our April 9<sup>th</sup> webinar on discipline for safety. (OHS Insider members can go for free just register. All others can buy a seat.)

This one-hour webinar by OHS and employment lawyer **Adrian Miedema** of Dentons Canada LLP will present the key lessons for employers from more than a dozen cases on this subject and will sum up those cases with practical recommendations you can apply in your own workplace.

The webinar will address these questions:

- When do courts and arbitrators uphold or strike down discipline imposed on a worker for safety violations?
- What can employers do to make the discipline 'stick'?
- Which types of safety violations are treated as warranting the most serious discipline?
- When is workplace violence a 'firing offence'?
- What process should be followed by employers when disciplining or terminating for safety violations?

For example, Miedema will discuss these six principles of discipline for safety:

1. Safety is a stringent statutory obligation and industrial relations concern.
2. Safety infractions are among the most serious workplace violations.
3. Employers have a legal obligation to ensure safety and the right to insist workers work safely.

4. Deliberate, reckless or negligent behaviour that results in a safety threat or actual injury is grounds for discipline up to and including dismissal.
5. A safety violation can be serious even if there's no injury or actual harm, i.e. a 'near miss.'
6. The person making the decision to discipline should consider the likelihood of the worker repeating the safety violation.

In the meantime, go to our Discipline and Reprisals Compliance Centre for more cases, articles and tools on discipline.