

Arbitrator Reinstates Worker Who Smoked Near Unloading Fuel



A federally regulated employer fired a worker for smoking on a tug while an attached fuel barge was unloading, claiming his conduct was a “gross safety violation.” He’d previously been warned about smoking on a tug, which violated company policy and regulation. The arbitrator found that the worker knew about the employer’s no smoking policy. And the potential consequences of his smoking while fuel was unloading were very serious. But the arbitrator decided to reinstate the worker based on his prior employment record, instead imposing a lengthy suspension and loss of one year’s seniority [*Island Tug and Barge Ltd. v. Canadian Merchant Service Guild (Reid Grievance)*, [2012] C.L.A.D. No. 255, Sept. 6, 2012].