

Bank Mishandled Employee's Violence Complaint & Unjustly Fired Him



A bank employee broke up with his girlfriend, who was the sister of a manager at the bank. The employee claimed the brother stalked him at work and threatened him with physical violence in the parking lot. The employee attempted suicide and then took leave to deal with severe depression and anxiety. He told the HR partner that he was afraid to return to work due to the threats made by the brother in the workplace. The partner investigated and concluded that there were no safety concerns. The employee was told to return to work or provide medical documentation as to why he couldn't return. He did neither and was fired. He claimed unjust dismissal. An arbitrator found that the bank's investigation of the threats of violence didn't comply with the OHS regulations. In addition, it didn't warn the brother to stay away from the employee. And the bank's failure to accommodate him with a progressive return to work made it hard to accept its argument that he was absent without leave. So the arbitrator concluded that the employee was unjustly dismissed [*Daoust v. JP Morgan Chase Bank National Assn.*, [2016] C.L.A.D. No. 41, March 7, 2016].