

# Company Can't Fire Worker for Leaving Premises Due to a Medical Emergency



A 58-year-old forklift operator was fired for not wearing PPE, leaving the workplace without supervisory approval when asked to stay, and related insubordination. He admitted removing his hardhat and being in the process of removing his seatbelt while still on the forklift, but did so because he was about to take a break. And he said he left the premises to go to the hospital because he thought he was having a heart attack. The long-time employee had 16 previous disciplines, resulting in warnings and two-day suspensions. The arbitrator found that although the operator had violated the company's PPE policy, that violation warranted only a five-day suspension. In addition, leaving the premises to go to the hospital wasn't disciplinable conduct and there was no insubordination. The arbitrator criticized the company for failing to conduct a proper investigation and showing no empathy for the operator's leaving the premises because of his medical distress, calling its approach 'overly unfair and aggressive' [*United Food and Commercial Workers Canada Union, Local 401 v. ADM Milling Company, Calgary, Alberta*, [2017] CanLII 12987 (AB GAA), March 13, 2017].