

# Crane Operator's Disciplinary Record and Conduct Justified His Firing



A crane operator told his supervisor that he wouldn't lift a box that didn't have a load capacity rating on it. The supervisor said the load was safe to lift and did so himself. The operator reported this conversation to the MOL. The next day, he raised an issue about a co-worker and was unhappy with how the supervisor handled it, walking out on a meeting. The next day, the supervisor wrote up the operator for improper use of a spreader bar. After a meeting about this infraction, the operator was fired. He claimed he was fired for raising safety issues. The arbitrator upheld his termination, ruling there was no reprisal. The operator has a serious disciplinary record. His dishonesty in the employer's investigation, insubordination, unsafe use of the spreader bar and lack of remorse were serious culminating incidents that justified his firing [*National Steel Car Ltd. v. United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Local 7135*, [2012] CanLII 25292 (ON LA), April 30, 2012].