Disabling Safety Device Justified Firing of Worker with Poor Record



An electrician used a Smart Cart to transport material in a plant. After the Smart Cart malfunctioned, a representative of the company that serviced the Cart told the worker that encoders designed to permit the safe, automatic operation of the Cart were faulty and their replacement would take a couple of weeks. The representative said that software could be reinstalled to permit the operation of the Smart Cart in automatic mode without safety encoders. Although the worker said he'd speak to his supervisors about the change, he made it without consulting them. After his supervisor learned that the Cart was operating in automatic mode without safety encoders, he was fired. The employer argued that his multiple safety violations over the prior three years that resulted in progressively serious disciplinary responses including several suspensions warranted his dismissal for knowingly by-passing the safety device on the Smart Cart. The trial judge and an appeals court agreed. The worker had received extensive and ongoing OHS training. Encoders are safety devices that measure the physical speed, direction and position of the Smart Cart. And the plant's safety rules specifically prohibited tampering with or defeating any safety device [*Wasinski v. Norampac Inc.*, [2016] O.J. No. 2217, April 28, 2016].