

Discipline for Not Wearing Helmets and Seatbelts on UTV Was Disproportionate



A safety coordinator went to a job site to conduct an audit. He saw a worker and a foreman operating a utility terrain vehicle (UTV) without wearing helmets or seatbelts. As a result, the worker was suspended for three days and the foreman was fired. They filed grievances. The Labour Relations Board noted that the company safety rules required the use of helmets and seatbelts when operating UTVs and both the worker and foreman had been trained on these rules. But the evidence showed the rules generally weren't observed. In fact, there was only one helmet available at this job site, making compliance impossible. And the discipline imposed was disproportionate to the offences and the discipline imposed on other employees for safety infractions. So the Board ruled that the worker should be suspended for one day and the foreman suspended for five [Canadian Union of Skilled Workers v. Hydro One, [2014] CanLII 10775 (ON LRB), March 6, 2014].