

Employer's Safety Concerns about Worker's English Proficiency Were Reasonable



An employer asked a union for eight electricians. A manager interviewed one and determined that his English proficiency wasn't sufficient for him to work safely on the job. So it refused to hire him. The union filed a grievance. The arbitrator noted that the electrician had previously worked for the employer for four weeks. The manager had contacted the person who'd been responsible for him at the time but that person didn't really remember him. The arbitrator said the manager should've then spoken to the people who'd worked directly with the electrician at that time, but he didn't. However, the arbitrator refused to order the employer to hire the electrician and pay him damages. In addition, if the manager *had* spoken to those who'd worked with the electrician before, he'd have learned that the electrician was assigned to a worker who also spoke Mandarin, which is the language they used on the job. So although the employer's investigation into the electrician's English proficiency could've been more thorough, its safety concerns about him were ultimately reasonable [*Hydro One Inc.*, [2012] O.L.R.D. No. 4251, Nov. 22, 2012].