Failure to Follow Emergency Procedures & Prior Record Justified Firing



A worker was involved in a very serious safety infraction in which he failed to follow proper emergency procedures and, by doing so, put at least two co-workers in an extremely unsafe situation. After considering his prior disciplinary record, the employer fired the worker. The union argued that termination was excessive. But the arbitrator disagreed. The worker allowed a potentially dangerous situation to unfold. Instead of following the procedures he'd been trained on, he decided to make judgments based on his own experience and 'gut feelings.' In addition, his lengthy record included discipline for five prior infractions. Despite prior discipline, the worker continued to exercise bad judgment on a number of occasions with regard to safety situations. So the arbitrator found that it can't reasonably be concluded that the worker has the ability to 'maintain an acceptable level of behaviour with respect to safety situations in this very safety sensitive operation' [*Teck Metal Ltd. v. United Steelworkers, Local 480*, [2017] CanLII 31014 (BC LA), May 17, 2017].