

Firing of Union-Organizing Worker for Harassing Supervisor Overturned



A supervisor found a worker's cell phone on a work bench. He was going to turn it in because company policy barred workers from carrying cell phones in the shop. Instead, he left it on the bench and went to a pub. The worker returned for the phone and saw that a text message from his wife had been opened and read. Suspecting the supervisor, he went to the pub and confronted the supervisor, who denied reading his messages. The worker left and then returned to the pub parking lot several times. He noted the supervisor's licence plate number and circled his truck. He made upsetting statements to the supervisor's wife. He threatened to report the supervisor for drinking and driving. The next day, the worker followed the supervisor to a café. The company fired the worker for harassing the supervisor in violation of its violence and harassment policy. But an arbitrator concluded that the employer didn't have just cause to fire the worker. It overreacted to the situation and swiftly fired him without investigating his claims about the cell phone. In addition, it knew that the worker was a union organizer. The arbitrator ruled that a lengthy suspension without pay was more appropriate [Re: *Progressive Rubber Industries Inc.*, [2012] B.C.L.R.B.D. No. 121, June 7, 2012].