

Inappropriate Angry Outburst Didn't Warrant Termination



After a lockout tag was put on a driver's truck indicating it needed service and couldn't be used, he stormed into the office of the lead mechanic, yelling and making gestures that the mechanic took as threats of violence. Other workers escorted the driver out of the office before there was any actual violence. The employer investigated the incident and then fired the driver for violating its harassment and violence policy. The union argued termination was excessive. The arbitrator found that the driver had an inexcusable outburst of anger toward a co-worker, who didn't deserve such treatment. And he never apologized. But he didn't make any specific threats of violence nor did any actual physical violence occur. In addition, it was the driver's first infraction and the employer's policy didn't mandate termination for violations. Thus, the arbitrator concluded that a lesser form of discipline would be more appropriate [*Waste Management of Canada v. CAW, Local 4050*, [2013] 71953 (AB HRC), Nov. 1, 2013].