

# Insufficient Evidence to Fire Worker for Apparently Urinating on Floor



A worker saw a co-worker apparently urinating on the floor of the locker room. He reported it to management. A week later, the witness died. The worker denied the incident, first saying he'd done nothing and then claiming he was playing a joke with a water bottle hidden in his pants. The company fired him. The worker who mopped up liquid from the floor couldn't tell whether it was water or urine. And the dead witness's statements at the time were vague. Thus, there was no hard evidence that the fired worker had done anything wrong. And the worker's version of events wasn't implausible. So the arbitrator ruled that termination was inappropriate but found that some discipline was warranted. It ordered the company to reinstate him, subject to a three month suspension for the prank and lying [*Company A v. United Food and Commercial Workers Union, Local 401 (Discharge for Urination Grievance)*, [2013] A.G.A.A. No. 7, April 3, 2013].