

# Interfering with CO Test Warranted Suspension, Not Termination



In a drywall manufacturing plant, there were concerns about excessive carbon monoxide (CO) levels, which exceeded regulatory limits. The plant took various steps to reduce the CO levels. It then set up a two-day test. During the test, a worker was seen handling one of the monitors without permission. The plant believed the worker had put the monitor on his forklift to get the highest possible result and so it fired him. But an arbitrator found that the plant's portrayal of the worker's misconduct as 'an act of sabotage' was an unestablished characterization. Rather, the worker inappropriately decided to effectively conduct his own personal test for CO levels. He didn't turn the monitor off or dispose of it. And he didn't put his co-workers or any aspect of the plant's operation at risk. Still, he interfered with a planned scientific test and, by doing so, potentially corrupted its results. Thus, the arbitrator concluded that a 90-day unpaid suspension was more appropriate than termination [*Cement, Lime, Gypsum And Allied Workers (International Brotherhood Of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers And Helpers, Local Lodge D345) v. Certainteed Gypsum Canada Inc.*, [2017] CanLII 10827 (AB GAA), Feb. 10, 2017].