

Mill Worker Who Commits Dangerous Lockout Violation Gets to Keep His Job



Can a mill worker previously disciplined for a lockout violation be fired after he commits a second offence? On the one hand, the mill has a 'zero tolerance' lockout policy providing for termination for a second offence. But the first offence was over a year ago, and the collective agreement requires the mill to clear a worker's disciplinary record after one year. The arbitrator rules that the collective agreement negotiated with the union trumps the lockout policy which the mill implemented unilaterally. Result: The worker is guilty of only a first offence and must be reinstated [*Unifor, Local 5080 v Twin Rivers Paper Co. Inc.*, 2018 CanLII 99677 (NB LA), Oct. 3, 2018].