

# Not Clear Probationary Worker Couldn't Work Safely



A new worker was fired during his probationary period for not fulfilling expectations. Specifically, the employer claimed that he didn't follow instructions and had a cavalier attitude toward safety. The union filed a grievance on his behalf. The arbitrator found that the employer didn't give the worker a fair opportunity to demonstrate his suitability for the job. The evidence as to his ability to work safely was inconsistent. So the arbitrator ordered the employer to reinstate the worker as a probationary employee and to maintain adequate records containing objective evidence supporting its decision to either offer him a permanent position or fire him at the end of his probation [*LAC des Iles Mines Ltd v. United Steelworkers, Local 9422*, [2015] CanLII 7267 (ON LA), Feb. 20, 2015].