

Not OK to Fire Worker Who Harassed Co-Worker & Violated Safety Rule



A worker at a sawmill was working with a female co-worker on the strapping machine. The worker got angry when the co-worker was late coming back from a break. He swore at her and called her a number of offensive names, including 'old bag' and 'useless bitch.' He then started the machine to move the bundles, forcing the co-worker to hit the emergency stop button. She was very upset by the incident. As a result, the sawmill fired the worker for harassing the co-worker and violating safety rules. An arbitrator acknowledged that the worker had engaged in harassing behaviour and violated OHS rules. But the worker, who'd been employed for almost two years, had no prior discipline. He admitted acting badly, which was out of character for him, and said he'd handle such a situation totally differently in the future. The arbitrator concluded that the probability of the worker's repeating such offensive behaviour to be unlikely, ruling that he should be reinstated, with the period since his firing to be considered a suspension without pay [*Tembec Enterprises Inc. Forest Products Group v United Steelworkers, Local 1-2010*, [2016] CanLII 77754 (ON LA), Nov. 9, 2016].