

OK to Demote Worker for Serious Safety Infraction



An industrial nylon manufacturer used a hazardous material in its operations and so developed a safety procedure that requires various checks of equipment to be made on a check sheet. A worker claimed to have checked the equipment but didn't record that fact on the sheet, saying it wasn't necessary since the equipment was off-line and other workers did the same. The manufacturer demoted him to his prior position. The union filed a grievance. An arbitrator found that the worker had violated a serious safety policy and then lied about his reasons for doing so. And it wasn't acceptable for workers to 'go rogue' and ignore safety procedures. So the demotion was justified. But the arbitrator ruled that if the worker showed strict adherence to safety procedures for a reasonable period of time, he should be allowed to reapply for his prior position [*Kingston Independent Nylon Workers Union v. Invista (Canada)*, [2014] CanLII 27444 (ON LA), May 28, 2014].