

OK to Fire Remorseless Labourer Who Fought with Co-Worker



A labourer at a transit tunneling project was required to bring up a skid of bottom rollers but his Bobcat couldn't reach them. He asked a co-worker for help. The co-worker used a telehandler to move the skid to where the labourer wanted it. But while he was trying to dislodge the skid from the forks, a dispute arose between he and the labourer. The co-worker left his machine and assaulted the labourer. A supervisor eventually separated the two men. Based on witness statements and the company's zero tolerance policy on workplace violence, both men were fired. The co-worker took responsibility and apologized; the labourer filed a grievance. The Labour Relations Board found that the labourer incited the incident by yelling at the co-worker disrespectfully. And when the supervisor stopped the fight, he continued to attack the co-worker and pushed the supervisor as well. So his misconduct warranted discipline. And because he didn't admit any wrongdoing or apologize, termination was justified [*Labourers' International Union of North America, Local 183 v. Crosstown Obayashi Technicore Constructors Ltd.*, [2016] CanLII 63498 (ON LRB), Sept. 21, 2016].