

OK to Fire Worker for Off-Duty Assault of Co-Worker at the Workplace



A worker employed by a First Nation came to pick up a check at the office when she wasn't on duty. Outside the office, she got into a disagreement and pushed a co-worker to the ground. She was arrested and pleaded guilty to assault. The First Nation fired her. She claimed it was wrongful dismissal to fire her for off-duty conduct. The arbitrator noted that the assault took place outside of the office where the worker was employed and involved a co-worker who was working at the time. The employer had an interest in keeping its workers safe from assaults on the job. And both OHS law and First Nation policy barred workplace violence. Thus, given the worker's assault of a co-worker, the First Nation had no choice but to terminate her for cause [*Tawpisin v. Muskeg Lake Cree Nation*, [2012] C.L.A.D. No. 342, Nov. 21, 2012].