

OK to Terminate Probationary Employee Who Violated Safety Rules



A probationary service technician was standing on a ladder but not properly tied in and not wearing safety boots or glasses. He lost his footing and slid down the ladder, breaking his leg. He admitted that he'd used poor judgment. The employer then learned that the technician had gotten a speeding ticket for going 93 kph in a 50 kph construction zone while driving a company truck on duty. The technician never reported the ticket. So the employer terminated his employment. The union filed a grievance but an arbitrator upheld his firing. A company has the right to dismiss a probationary employee if the employee's found to be unsuitable. Here, the technician had a fair opportunity to demonstrate his suitability but immediately after getting training, he violated the safe driving standards and PPE requirements, and fell from a ladder because he failed to follow safe ladder protocols. Thus, the company's decision to terminate him was reasonable and based on a careful assessment of his performance, concluded the arbitrator [*Telecommunications Workers Union, United Steelworkers National Local Union 1944 v. Telus Corp.*, [2016] CanLII 6195 (AB GAA), Feb. 10, 2016].