

One-Day Suspension Not Warranted for Worker's Questioning of Testing Policy



A mill held a crew talk to introduce a new drug and alcohol testing policy. During the talk, a worker who'd been co-chair of the JHSC for 15 years asked why the committee hadn't been involved in rolling out the policy. A supervisor told him to calm down, stop asking questions and discuss it later in the supervisor's office. But the worker continued asking questions, his voice got loud and he said, 'This is bullshit.' As a result, he was suspended for one day for insubordination. An arbitrator noted that despite being told to stop asking questions in the meeting, the worker continued to do so and so was insubordinate. But given his long employment history, virtually clean record, clear commitment to safety and the fact his misconduct was impulsive and emotional, a suspension wasn't warranted. The arbitrator imposed a written warning instead on the worker [*Tolko Industries Ltd. (Nicola Division) v. United Steelworkers, Local 1-417 (Hara Grievance)*, B.C.C.A.A.A. No. 83, June 26, 2013].