

Repeated PPE Infractions Justified Worker's Termination



An employer issued a warning to a worker who it had employed for 37 years for failing to be clean shaven, which interferes with proper respirator fit. The next day, it issued him another warning for failing to wear a hardhat, safety glasses and mask in the plant. It also reminded him to be clean shaven by the start of his next shift. But the next day, he wasn't clean shaven and didn't wear his respirator. So the employer fired him. The union said termination was excessive. But an arbitrator disagreed. The worker was insubordinate and didn't offer any explanation for his behaviour. His misconduct was wilful, despite clear warnings and ample opportunity to comply with the safety rules. Given the worker's disciplinary record and these last infractions, the arbitrator concluded that there was no reason to believe that, if reinstated, he'd return to the workplace as a productive safety conscious employee respectful of the company's reasonable health and safety expectations [*Tonolli Canada Ltd. v. United Steelworkers*, [2013] CanLII 15108 (ON LA), March 2, 2013].