Safety Incidents, Not Prior Injury, Reason Employer Laid off Worker

A union filed a grievance, claiming the employer had laid off a worker because he'd gotten injured. The Labour Relations Board disagreed. When the worker was able to return to work, the employer took him back. At that time, he was restored to full duties in his prior position without accommodation and thus wasn't disabled. The employer let him go after he was responsible for three separate safety incidents in the two weeks after he returned. Thus, there was no evidence the decision to lay him off was based on his prior injury, discriminatory or made in bad faith [*Universal Workers Union v. McNally Construction Inc.*, [2013] CanLII 7580 (ON LRB), Feb. 11, 2013].