

# Striking Worker's Comment about Guns Warranted Discipline but Not Firing



While workers at a mine were on strike, a worker on the picket line made inappropriate comments to a female security guard, including that he 'should have brought a gun.' As a result, he was fired. The union filed a grievance. The arbitrator, noting that the incident occurred before Bill 168 took effect, ruled that the worker's inappropriate conduct didn't qualify as workplace violence. He was trying to be funny and although the security guard wasn't amused, she also didn't feel frightened or threatened. His conduct warranted discipline but not termination. Because the worker didn't fully take responsibility for his conduct or appreciate its gravity, the arbitrator imposed a 30-day suspension instead [*Vale Canada Ltd. v. United Steelworkers of America, Local 6500*, [2012] CanLII 81310 (ON LA), Dec. 12, 2012].