

Suspension of Mentally Ill Worker for Comments about Co-Worker Overturned



A worker who'd been out on sick leave for mental health issues met with his employer to discuss his return to work. During the meeting, he made disrespectful and disturbing comments about a co-worker. The employer suspended him for 10 days. The union filed a grievance, noting the worker's mental health issues. An arbitrator sided with the union and set aside the suspension. The arbitrator concluded that a complete medical assessment of the worker should've been done before any further steps were taken. So the employer appealed. But the court upheld the arbitrator's ruling as reasonable [*Eastern Regional Integrated Health Authority v. Newfoundland and Labrador Assn. of Public and Private Employees*, [2012] N.J. No. 117, March 27, 2012] .