

Termination Is Too Harsh a Penalty for Off-Duty Violence



Terminating employees for off-duty violence is generally easier when they're wearing their company uniform when they commit it. The case is even more compelling when the whole incident is caught on security camera. But certain intervening factors saved this particular transit worker who was caught on camera slugging a store security guard after work but while still in his TTC uniform. First was the fact that the guard clearly provoked the employee. Of equal importance was the total lack of credibility of the witnesses who claimed they saw him steal merchandise from the store. And without proof of theft, all that remained of TTC's disciplinary case was a provoked act of violence committed off-duty, which the Ontario arbitrator ruled warranted only a one-week suspension [*Toronto Transit Commission v Amalgamated Transit Union Local 113*, 2021 CanLII 33013 (ON LA), April 21, 2021].