

Termination Is a Subset of Discipline, Rules Labour Relations Board



A worker filed a reprisal complaint against his employer, which was settled. The settlement terms stated that the worker knew that a harassment complaint had been made against him, the employer intended to investigate that complaint and such investigation 'may result in discipline.' After the harassment investigation was done, the employer fired the worker. He responded by alleging that the employer had violated the settlement agreement, claiming that there had been no discussion that 'discipline' could include 'dismissal.' The Labour Relations Board disagreed. There was no evidence the parties meant to exclude termination as a possible disciplinary response. And the employer's anti-harassment policy specifically said that termination was a possibility when harassment was found to have occurred. By using the language 'discipline up to and including termination' in its harassment policy, the employer was indicating that termination is a 'subset' of discipline, concluded the Board [*Jeffery v Brose Canada Inc.*, [2014] CanLII 49707 (ON LRB), Aug. 20, 2014].