

Two LOTO Violations Within Three Months Didn't Justify Firing



A millwright failed to follow lockout/tagout (LOTO) procedure, which was a “cardinal” rule, when changing a flow valve. Instead, he disconnected the electrical wires from the valve. The wires touched, causing sparks and an electrical short. The employer fired him because it was his second such infraction within three months (he got a one-day suspension for the first). And he’d only been an employee for five months. But an arbitrator reinstated the millwright. He was aware of the rules and had been trained on LOTO procedure, which he’d followed on other occasions. He’d acknowledged his error and said it wouldn’t happen again. No one was hurt and no damage was caused by his albeit serious safety infraction. In short, he’d exercised poor judgment to get the work done in a timely manner. The arbitrator ordered him suspended without pay for about six months and ordered the employer to provide additional LOTO training to him. The arbitrator added that, if he committed another safety infraction within a year of reinstatement, the employer would have just cause to fire him [*Dufferin Concrete v. Teamsters Local No. 230*, [2013] CanLII 61486 (ON LA), Oct. 1, 2013].