

Work Refusal Made in Bad Faith Justified Discipline But Not Termination



A plumber at a hospital got into an argument with a co-worker. He claimed that the co-worker threatened him and began to get paranoid, questioning the motives and conduct of almost everyone around him. He went on stress leave, but then insisted on an immediate return to work. After a delay in his return, the plumber filed a work refusal complaint with the MOL and sent an emotional e-mail to the hospital's CEO. He was fired. An arbitrator ruled that the work refusal was 'highly questionable' and not made in good faith. Rather, it was a 'reckless claim' intended to pressure the hospital, which had just cause to discipline the plumber for making the work refusal allegation. But the arbitrator also ruled that based on the plumber's employment record, the bad faith work refusal wasn't sufficient for termination. Concluding that he shouldn't be reinstated given the circumstances, the arbitrator instead ordered the hospital to pay him about nine months' wages [*Canadian Union of Public Employees Local 1487 v. Scarborough Hospital*, [2013] CanLII 16383 (ON LA), April 3, 2013].