Worker’s Negligent Safety Error Deserved Unpaid Suspension, Not Firing



A forestry worker felled a tree without warning a co-worker, who was hit by the falling tree and injured his ankle. The company fired the worker for being “100% responsible for a preventable nearly fatal accident.” The union challenged his firing as excessive. The arbitrator noted that the worker was clearly remorseful, very upset about what happened and freely admitted his errors. Although his conduct was negligent, it wasn’t reckless. He was a long-time employee and a good faller. Thus, the arbitrator concluded that the worker could be a productive and safe employee in the future. So it substituted a four-month unpaid suspension and reinstatement for the termination [*Western Forest Products Ltd. v. United Steelworkers Union, Local 1-1937 (Cyr Grievance)*, [2012] B.C.C.A.A.A. No. 97, July 10, 2012].