

Arbitrator Grudgingly Reinstates Worker Fired for Violating COVID Protocols



A hospital transport employee refused to transfer COVID-19 testing swabs unless he was given scrubs to wear. His managers sat him down and educated him about how the virus spreads and explain that scrubs were unnecessary because the swabs were placed in tubes and sealed in plastic bags. A few weeks later, an article appeared in a local media outlet citing an unnamed employee who contended that the hospital made workers exposed to COVID do their jobs without scrubs. Considering the quotes as totally unfair and out of context, the hospital did an internal investigation and concluded that they must have come from the transport employee and suspended him without pay. A few months later, it fired him for violating mask and other COVID protocols. While acknowledging the employee's "ongoing pattern of disrespect for the Hospital's authority to manage the workplace during an extremely difficult time," the Ontario arbitrator reluctantly reinstated him without loss of seniority (but not with pay), provided that he engage in no further discipline-worthy conduct for the next 18 months [*Trillium Health Partners v CUPE Local 5180*, 2021 CanLII 127 (ON LA), January 7, 2021].