

Court Refuses to Give Employer Blank Cheque to Discipline for OHS Infractions



After her fourth safety violation, the City of Halifax decided that progressive discipline had run its course and fired a municipal bus driver. The Nova Scotia arbitrator found the penalty excessive and reinstated the driver. So, the City appealed, contending that the arbitrator had turned a blind eye to safety and OHS compliance. The court disagreed and upheld reinstatement. True, the driver's position was safety-sensitive and 3 of the 4 offences she committed also violated OHS laws. But the City's argument that the court should "err on the side of caution" when ruling on discipline for an OHS infraction to protect the public would "ignore nuance" and create a "fundamental shift" in the law that would enable employers to terminate workers any time they committed a safety infraction [[Halifax \(Regional Municipality\) v. Amalgamated Transit Union, Local 508](#), 2020 NSSC 361 (CanLII), December 10, 2020].