

Is 3-Day Suspension Too Harsh for Deliberately Disabling Machine Safety Device?



An auto shop worker got a 3-day suspension for deliberately disabling the sparking arrester of the welding machine he was operating. The union asked the Québec arbitrator to reduce the penalty to a written warning. And that's what the arbitrator did. The arbitrator didn't believe the union's claim that the worker didn't realize the arrester was a safety device. But even though he did it on purpose, the offence wasn't serious enough to warrant a 3-day suspension, it reasoned, given that it was a first offence. The worker didn't destroy the arrester, he just removed a piece of it to facilitate his access to the machine so that he could perform his job better and more productively. Although he did falsely deny it at first, the worker almost immediately changed his position and admitted his violation [[Unifor, Local Section 244 v Siemens Canada Limitée](#), 2021 CanLII 15192 (QC SAT), March 1, 2021].