

Lifting Weights at Gym While Injured Last Straw for Troublesome Worker



The central accusation against a hospital worker fired for a series of disciplinary infractions was getting caught lifting weights at the gym while he was on modified duties with a work-related shoulder injury. The worker admitted that he was at the gym where a co-worker spotted him but vigorously denied that he was lifting 50-lb. dumb bells over his head. And so it came down to credibility and the fact that the Ontario arbitrator found the witness' story more believable than the worker's denial, citing the latter's recurring pattern of resisting assignments and accusing supervisors and co-workers of discriminating against him for being gay even though there was no evidence they knew or cared about his sexual orientation. **Result:** The employer had just cause to terminate [[International Union of Operating Engineers v North York General Hospital](#), 2021 CanLII 18894 (ON LA), March 15, 2021].