

Termination: Single Episode of Physical Abuse against Mental Patient Justifies Firing of Nurse



A mental health centre fired a nurse for rough handling a patient with dementia. The nurse admitted to grabbing the patient by both arms and pinning her against the wall, but said he acted out of shock after the patient pinched him in the upper body. Other workers at the centre testified that the patient had a habit of pinching the nurses. But the Québec arbitrator still found just cause to terminate. The initial shock at being pinched had a short shelf life and didn't account for all the nurse's actions. Moreover, it wasn't just that physically abusing a vulnerable mental patient is a serious violation; the arbitrator also cited aggravating factors, like the nurse's vehement failure to admit to wrongdoing and blaming the reproaches he received on management's supposed vendetta against him, all of which justified the centre's irreparable loss of trust in him [[CIUSSS de l'Ouest-de-l'Île-de-Montréal v CUPE, Local 2881](#), 2021 CanLII 136836 (QC SAT), December 26, 2021].