

News

Discharge for Posting Disparaging Comments about Co-Worker on Facebook Upheld by Arbitrator

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An arbitrator recently upheld the dismissal of a three and one-half year employee who had posted humiliating and threatening comments about a co-worker on Facebook. Among other things, she found that the grievor's actions, while done off-duty, created a poisoned work environment.

In so finding, the arbitrator considered the employer's workplace violence and harassment policy. She rejected the union's argument that there were factors mitigating against discharge, such as the apology offered by the grievor, and found that the grievor ought to have been aware that his actions may result in discipline or discharge. The arbitrator stated "An employee does not necessarily get one free sexual harassment before he loses his job. The grievor, in this case, posted hateful comments about X, one of which could reasonably be construed as a threat of sexual assault."

For a more detailed discussion of this case, see our Case in Point blog post "[Arbitrator Upholds Dismissal of Grievor for Posting Vicious Comments about Co-Worker on Facebook.](#)"