



Media Release

THE CORPORATION OF THE CITY OF VERNON
3400 – 30 Street
Vernon, BC
V1T 5E6

FOR IMMEDIATE RELEASE

DATE: October 7, 2019

MEDIA CONTACT: Christy Poirier, Manager, Communications & Grants

TELEPHONE: 250-550-3539

City responds to Labour Relations Board decision to dismiss appeal of Arbitration Board direction to reinstate fired fire fighter

The City of Vernon terminated a fire captain for engaging in sexual activity with a subordinate, in an open manner, while on duty in the fire hall.

The Union fought the termination, arguing there should be no discipline because the privacy of these individuals was violated when they were caught having sexual relations in the Fire Chief's office (it was on a Sunday morning), with the door wide open.

Ultimately, the majority of the Arbitration Board ruled that while "harsh discipline" was warranted, termination was excessive. One of the three members of the Arbitration Board did conclude termination was the only rational outcome.

The City did appeal the majority decision to the Labour Relations Board, who can only overturn an arbitration decision if one side was denied a fair hearing, or if the arbitrator did something inconsistent with the *Labour Code*. The Labour Board cannot overturn an arbitration decision simply because they disagree with the outcome.

The Labour Board concluded that while they may have decided the case differently than the majority of the Arbitration Board, that was not a basis for them to overturn the decision. They concluded that since the Arbitration Board went through the proper process, the Labour Board had no jurisdiction to interfere with the outcome, even if they disagreed with it.

So while the City was not successful in the appeal, the Labour Board certainly suggested they did not agree with the Arbitration Board's decision to reinstate the fire captain. The City continues to believe our decision was the correct one. Having sex in an open manner, with a subordinate, while on duty in the fire hall must be grounds for termination. We cannot tolerate a workplace environment where this type of activity is carried on by a commanding officer. While we are disappointed the Labour Board did not overturn the arbitration decision, they certainly did not endorse the outcome. The Labour Board was clearly troubled by the reinstatement, as the City continues to be. As a result, the City is currently considering its options to further appeal the reinstatement decision.