

HILL ADVISORY NEWS

“Working with the human side of business”



'No Common Sense' Approach to Dealing With Problem of Theft Results in Dismissal of Employees



An employee claimed she had money stolen from her purse in the workplace. A group of employees decided to conduct their own 'investigation' to recover the money. As a result they were dismissed for 'improperly detaining, searching and harassing a co-worker.' The employees denied they acted improperly and grieved the employer's disciplinary action

- * Olga worked for 7 months at a manufacturing plant that produced automobile parts. Because the auto industry often encountered periodic fluctuations in the workload, it was sometimes necessary to use workers in the plant from an outside agency. These workers were under the supervision of their own manager who had his office located at the plant. One day on the way to work Olga decided to play some bingo before her shift began. She was lucky and won \$300. Olga put the money in her purse and went to work.
- * During her coffee break she told her two friends, Gail and Barbara, about her winnings. To her surprise, when she opened her purse to show them the money - it was gone. Olga then went to ask her supervisor, Leslie, if she could go out to the parking lot to check if she had left the money in her car. Leslie agreed and watched at the door as Olga searched her car. Olga returned and told Leslie she had not found the money.
- * A few minutes later, Leslie saw Olga, Gail and Barbara talking to Natasha, one of the workers from the outside agency. Natasha, a petite, unassuming and soft-spoken young lady, had her purse open and was showing it to Olga. Leslie asked Olga what was going on. Olga replied they were checking to see if Natasha had taken the money. *Leslie told them they could not accuse anyone of stealing Olga's money and were not allowed to go through employee's personal items.*
- * Olga and her two friends later went to see Frank, the manager of the outside agency workers. They told him they suspected Natasha of stealing the money and asked him if he would get her to empty her pockets and search her purse. *Frank refused and told them that would be against the law.*
- * Frank informed Olga she could question Natasha about the money but that was all. He followed Olga and her two friends after they left his office. The women again approached Natasha who offered to empty her pockets. Natasha then showed them her wallet. Olga then demanded Natasha show them her jacket and tote bag. Frank told Natasha that she did not have to show these items to them but Natasha gave them to Olga anyway. The three women then went through Natasha's belongings but found nothing. Natasha became frightened. She had only worked at the plant for a week and was extremely upset.
- * Olga later approached another supervisor and asked if someone could search the plant to try and locate her money. The supervisor indicated this could not be done, and even in the event some money was found, it would be impossible to prove that it belonged to Olga. *She suggested Olga report the theft to police.* Throughout the remainder of the shift, Olga and her two friends went through the plant asking various employees if they had taken the money and checked their bags and purses.
- * At the end of the shift as Natasha was leaving the plant, she was again approached by Olga, Gail and Barbara in the parking lot. They asked Natasha to accompany them to Olga's car. Natasha was frightened as it was dark and the parking lot was very dimly lit but she followed them anyway. When they reached the car, the three women surrounded Natasha blocking her from leaving. Natasha felt trapped and began to tremble.
- * Olga then asked Natasha to take off her shoes and socks so that Gail and Barbara could check them for her money. Natasha complied and took them off.

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- * Olga then told Natasha to take off her jacket, which she did - but they still found nothing. Olga instructed Natasha to lift up her T-shirt. Natasha lifted her T-shirt up to her shoulders, exposing her bra. Gail felt under Natasha's bra strap and the waistband of her pants. Natasha was scared, humiliated and ashamed. She felt violated. At this point Barbara said "This is stupid..." and the three of them left Natasha alone in the parking lot.
- * The following day Natasha reported the incident to Frank, her supervisor, who in turn reported it to the employer. A week later Olga, Gail and Barbara were dismissed because "They improperly detained, searched and harassed a temporary service worker." They filed a grievance and an arbitration hearing was held.
- * The arbitrator began by saying that if Olga had won the \$300 at bingo on her way to work, it was "exceedingly careless and unwise of her to leave the money in her purse, rather than in her locked car out in the parking lot."
- * He added that Olga "compounded her carelessness and lack of wisdom by failing to lock her purse in her locker, and leaving it unattended on the plant floor where it was unseen for a lengthy period of time."
- ** This decision indicates it was evident the grievors refused to comply with work rules and deliberately disobeyed their supervisors who issued clear instructions that they were not to 'take the law into their own hands' and search and harass any employees. If there were any searches to be conducted - they should have notified the police. The testimony of the three grievors also indicated that in addition to engaging in a very serious and threatening course of harassment the fact that they were not truthful about the full extent of the harassment and their failure to accept responsibility or understand the impact of their actions greatly influenced the arbitrator's decision.
- * Secondly, he stated it was obvious Olga, Gail and Barbara were "strongly advised by supervisors not to go about searching employees, checking their personal belongings or, in any way, harassing other employees." He stated "They did, however, have every right to call the police, if they knew who had the money, or if they wanted searches to be conducted." Thirdly, he noted "There was no substantial evidence that Natasha had stolen the money."
- * The arbitrator added that Olga, Gail and Barbara should have realized that a person being out in a dark parking lot at midnight, surrounded by three women, all bigger than she was - compelled to submit to the search of her property and person "was a serious and threatening course of harassment."
- * He stated "It is absolutely astounding to me that the grievors testified that when they searched Natasha, she was very relaxed and was laughing, talking and joking with us." They indicated they couldn't understand why she would testify otherwise. He noted this simply was not credible and demonstrated an unbelievable degree of insensitivity. He added "Perhaps the most worrying of all, was all three women utterly failed to accept or understand the impact their actions had on Natasha."
- * The arbitrator therefore concluded the employer had just cause for terminating the three women employees and dismissed their grievance.



Thank you to Elisabeth Timm at the Calgary Health Region for organizing the most successful Harassment Investigation (Level I) workshop last October. We had a great time and enjoyed meeting everyone.

We also wish to extend our appreciation to Nicole Chislett at the Department of Justice, Newfoundland. You did a great job of coordinating the Harassment Investigation (Level I) workshop in December. We always enjoy the opportunity to visit with our east-coast friends and clients.

Special thanks also go out to the many clients who have utilized our services in the investigation area from Alberta, Saskatchewan, Ontario and Manitoba.

** WORKSHOPS **



Our public workshops are held when sufficient interest is generated in a geographical location.

Therefore, if you are interested in a public workshop or a private, in-house workshop on any of the topics for which we provide training - let us know.

For more information contact Sheri:
 Phone/fax: (204) 831 - 7661
 E-mail: sswain@hilladvisory.com



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