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## Worker fired by Port Coquitlam was wrongly accused: arbitrator

No evidence foreman was involved in copper theft ring, just "speculation," city also overstepped privacy in surveillance, arbitrator rules

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A city worker must be reinstated after being wrongfully-accused of copper theft, an arbitrator has ruled in a union grievance against the city of Port Coquitlam.  
Photograph By FILE

A Port Coquitlam city worker will get her job back plus two years of back pay after an arbitrator ruled she was wrongly accused in a copper theft ring.

Arbitrator Ken Saunders today (Wednesday) ruled on a grievance by CUPE Local 498 about the 2018 termination of six Port Coquitlam employees accused of selling copper piping they collected while working on city water projects.

In his written statement, Saunders upheld the city's decision to dismiss five employees, but ruled that one employee must be reinstated.

He also awarded damages to another employee for a violation of personal privacy, although that employee's termination was upheld.

But while the ruling gives Coral Steele her job back, it won't compensate for two years of stress and anxiety for being wrongfully accused and fired, according to lawyer Sebastian Anderson.

"What they found was absolutely no cause for discipline in her case. She's been absolutely cleared of the alleged wrongdoing," said Anderson.

While the value of the stolen copper pipe was never clearly ascertained, the city maintained it was as much as \$75,000, with money distributed between employees, with ranges of between \$5,000, in one case, and \$16,000 in another.

Still, the union contended the firings weren't properly conducted and the evidence not accurate because it depended on one whistleblower whose credibility it questioned.

After reviewing testimony, Saunders concluded that the firings were acceptable in five of the cases, but not for Steele, who was a foreman. Her work took her away from job sites and there was no proof she knew that copper pipe was being cut and bagged and sold to a recycler, Saunders ruled.

In fact, the arbitrator noted that a key figure in the long-time scheme, Harold Lewis, who [pleaded guilty](#) and received an absolute discharge in the case in January, hadn't wanted Steele to know about the plan.

The assumption that she must have known was "speculative," according to Saunders, who did not find the evidence "establishes on a balance of probabilities that Steele was engaged in the theft of scrap copper and received proceeds from the sale of scrap copper."

As well, Saunders said workers weren't stealing when they received used hydrants from a contractor and that the city overstepped with surveillance of a worker at his home and in the community. The ruling awards damages to the former employee, retaining the jurisdiction to decide an amount if the parties can't agree.

In a statement, the city states the situation has been "difficult" and "challenging," and the organization has learned from the experience.

"We understand that this situation may have been unsettling for our community, but want to assure you that we take our duty to manage taxpayers dollars seriously and will continue to work hard to earn your trust," stated chief administrative officer Kristen Dixon.

In focusing on strengthening the culture at city hall, a staff committee of union and management has been working on a new corporate purpose and values statement this year, she said, adding: "We have learned from this experience and are using it to strengthen our organization as a whole.

In a statement, the union said the ruling was a disappointment and some of the grievors may never recover from the ordeal and the decisions rendered. However, it was important that resources be put towards the issue to ensure workers' rights were respected.

Further, the union stated it would work to deliver the best possible services to the citizens of Port Coquitlam.