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Can't Fire Employees for Horseplay If It's Condoned by Foreman

Employee Relations In Action, a newsletter published by *Man and Manager, Inc.*, 799 Broadway, New York, New York 10003, recently told of a foreman who reprimanded an employee for being a killjoy in reporting on-the-job horseplay by other employees. Soon after the foreman found an employee with a broken nose, resulting from horseplay. The foreman fired both men involved in the accident on the spot.

The case was brought to arbitration, and both employees demanded reinstatement with full back pay. They stated:

1. Sure we indulged in horseplay, but management has closed its eyes to such goings-on for years.

2. We can tell you about several instances where the supervisors themselves occasionally "joked around." Our own foreman looks down on employees who do not take part in this frequent fooling around.

Top management supported the discharge of the two employees, knowing full well of the supervisor's unmanagerial behavior. It argued:

- Time and again the company had issued bulletins, written articles in the employee meetings and used other communications devices to discourage horseplay.
- The employees knew that horseplay was forbidden and that it was not proper to indulge in it merely because they have a foolish supervisor.

Arbitrator Harold T. Dworet ruled: "If members of management participate in horseplay and encourage it among the employees, it is unfair to place the entire blame on an employee who indulges in such. Management cannot expect the employees to cooperate in obeying a rule if the management people themselves are lax in enforcing it or, still worse, participate in breaking it. The employees involved should be disciplined."