

Driver Convicted of Off Duty DUI Should Be Restored to Prior Position



A driver for a transportation company pleaded guilty to DUI of his personal vehicle outside of work and was barred from driving for a year. He immediately told his supervisor. He was suspended but then took a non-driving position at a sizable pay cut. When his licence was restored, he applied for reinstatement to an available driver's position. But the risk committee reviewed his DUI conviction and refused to consider reinstatement for five years. The union filed a grievance. The arbitrator found that the risk committee should've reviewed the driver's criminal conviction as soon as he reported it. By waiting, it denied the driver the ability to make informed decisions about his future with the company, such as whether he should stay and take a big pay cut. And given the driver's record and employment history, the committee's decision was unreasonable, said the arbitrator. So it ordered the company to reinstate him to a driver's position subject to drug and alcohol testing for 18 months [*Amalgamated Transit Union, Local 1374 v. Saskatchewan Transportation Co. (McDonald Grievance)*, [2013] S.L.A.A. No. 15, Aug. 28, 2013].