

Driver Shouldn't Have Been Fired for Falsifying Logs



A truck driver falsified his driver's log to reflect having driven only 13 hours a day when he'd actually driven over 15 hours in violation of safety regulations. The company initially gave him a warning and then two weeks later fired him. He challenged his termination as unjust, claiming that he was pushed to drive longer than the safety standard. The arbitrator ruled that the driver knowingly falsified his log and so should be disciplined. But by giving him a warning, the company started the progressive discipline process and couldn't suddenly change course. In addition, the supervisor appeared to follow practices that sometimes sacrificed strict adherence to safety regulations in favour of business efficiency. Given these circumstances, the driver's dismissal was unjust, concluded the arbitrator [*Smith v. Kiowa International Inc.*, [2013] C.L.A.D. No. 118, April 30, 2013].