

Employer Had Just Cause to Fire Truck Driver for Using Cell Phone While Driving



A truck driver was fired after an onboard camera showed him using his cell phone while pulling away from gas pumps at a truck stop. He'd been disciplined four times before, getting a three-day suspension for the most recent infraction. The union argued that termination was excessive. The arbitrator found that although the driver's behaviour was unsafe, it wasn't egregious. He wasn't on a public road at the time, he was moving very slowly and the truck stop wasn't busy. But the driver didn't appear to learn from this incident or accept that what he did was dangerous. And based on his responses to prior discipline, he had trouble accepting fault. So the arbitrator concluded that the employer had just cause to fire the driver [*BFI Canada Inc. v. General Teamsters Union, Local 362 (Dismissal Grievance)*, [2015] A.G.A.A. No. 5, Feb. 12, 2015].