

Failing to Conduct Risk Assessment Warranted Discipline but Not Firing



A bus company fired a driver for was not wearing safety glasses or a hardhat as required while completing the pre-trip inspections on his bus and for failing to complete the Driver's Risk Assessment at the start of his shift. The union filed a grievance. An arbitrator found that the company didn't provide sufficient evidence of the PPE infraction. As to the risk assessment, the company *did* prove that the driver didn't perform this safety procedure as required and thus deserved to be disciplined for this oversight. But although the driver had developed a significant disciplinary record in his two years of employment, termination wasn't warranted, concluded the arbitrator, noting that the company didn't follow its own policies on discipline and termination. So it ordered the company to reinstate the driver but without compensation [*First Canada ULC v. International Union of Operating Engineers, Local Union No. 955*, [2017] CanLII 1369 (AB GAA), Jan. 10, 2017].