Firing of Rail Worker for Violating Cell Phone Policy Was Justified



A railway terminal had a safety policy barring workers from taking cell phones into the work area. A worker, who operated equipment to move large containers, had accumulated 50 demerit points for prior infractions, including 30 for violating the cell phone policy. Managers caught him with a cell phone while in a shunt truck. He was issued 40 demerit points for this infraction and then fired for having 90 points. The union filed a grievance, but the arbitrator ruled that the rail company had just cause to fire the worker. Distractions caused by cell phones raise serious safety concerns in this environment and in his position. And the worker's claims that he needed the cell phone for medical reasons were unsubstantiated [*Canadian National Railway Company v. Unifor Council 4000*, [2016] CanLII 85735 (CA LA), Nov. 14, 2016].