

Firing of Worker Who Recklessly Caused Derailment Upheld



A worker was operating a locomotive moving 12 railcars loaded with scrap. The cars didn't stop after the F1 switch as they were supposed to but continued down the line until the locomotive struck 12 empty railcars parked on the storage track, causing seven of them to derail. The resulting damage was estimated at \$600,000. The employer investigated the incident and concluded that it was due to the worker's negligence. Specifically, he didn't complete the Locomotive Checklist or inspect the equipment as required. So it fired the worker. The union filed a grievance. An arbitrator upheld the worker's termination. His conduct wasn't merely inadvertent or simply careless and negligent. He was reckless in that he consciously disregarded the risks created by his actions and disregarded safety protocol in a safety-sensitive workplace. And the consequences were very serious. In addition, the worker didn't take responsibility for the incident [*United Steel Workers, Local 5890 v. Evraz Regina Steel, a Division of Evraz Inc. NA Canada (Stice Grievance)*, [2016] S.L.A.A. No. 14, Sept. 16, 2016].