

# How Far Can You Go in Disciplining Workers for Distracted Driving?



Like many employers, you may have adopted safe driving policies. But safe driving policies are effective only if you actively enforce them. One question I've seen come up quite a bit lately, both from OHSI members and in court cases, is whether distracted driving is just cause to fire a worker, especially if it's a first offence. As with any question about whether particular conduct is worthy of termination, the answer is 'it depends.'

Most workplaces, especially union sites, follow progressive discipline policies under which punishment is meted out in stages. Typically, a written warning is the punishment for a first offence with penalties increasing each time a subsequent violation occurs, culminating in termination.

However, there are some offences that are so egregious that you're allowed to bypass the prior stages of the progressive discipline policy to deal with them. The question is whether distracted driving qualifies as one of those offences. My guess is that it isn't. However, the more of these things that are true, the stronger your case for termination for a first offence:

- Driving is the worker's primary job, like a trucker or bus driver;
- The worker has a history of discipline for safety offences;
- The distracted driving incident caused injury, property damage or other serious consequences;
- The worker was carrying passengers'the larger the number, the more serious the offence;
- The worker lied about what happened;
- The worker refused to accept responsibility for the violation; and/or
- The worker showed no remorse for the offence.