

OK to Fire Shift Leader after Caught Drunk Driving on Way to Work



A shift leader for an oil seed crush plant was caught drunk driving on the way to work. His breathalyser reading was .045 20 minutes before he was to start his shift. The employer discussed the incident with the worker, who denied having an alcohol problem. Citing safety concerns, the employer fired him. He filed a wrongful termination lawsuit. The arbitrator noted that the worker didn't have a disciplinary record and had been considered a good employee. But the worker, who was in a safety sensitive position in a dangerous workplace, violated the plant's drug and alcohol policy. And as a shift leader, he needed to set an example for the workers under him. Plus, he admitted intentionally drinking before driving to work. Thus, the arbitrator concluded that the employer was reasonably justified in firing him [*Kish v. LDM Yorkton Corp.*, [2013] C.L.A.D. No. 211, Aug. 8, 2013].