

Refusal to Drive Truck Without Backup Camera Wasn't Insubordination



A city worker operated a recycling truck. Its backup camera wasn't working properly for several shifts. Although he booked it for repairs several times, it wasn't fixed. So he told his foreman that the truck was unsafe without the backup camera and he wouldn't operate it until the camera was fixed. He was told to either drive the truck or go home without pay. He went home and later was suspended two days for insubordination, which the union challenged. An arbitrator overturned the suspension, finding that the worker wasn't insubordinate. Although the backup camera wasn't a mandatory safety device, the worker honestly believed it was critical for safe operation of the truck. He also didn't disobey an order—he was given a choice and chose to go home, without being told he could be disciplined for doing so. Lastly, he was a long-term employee with no record, noted the arbitrator [[Calgary \(City\) v. Canadian Union of Public Employees, Local 37](#), [2015] CanLII 45030 (AB GAA), July 30, 2015].