

Truck Driver Wasn't Constructively Dismissed over Safety Concerns



A transportation company got a big contract with a new client and assigned five truck drivers solely to this account. One driver was concerned about his safety on this new assignment because the client was a union shop and so he'd have to deal with Teamsters who'd been reassigned due to the contract. After thinking about the situation, the driver showed up at work, said he was quitting and left. He then filed a grievance claiming he'd been constructively dismissed. The arbitrator disagreed. The driver didn't tell his employer he couldn't do the assignment due to safety concerns—he just quit. And there was no evidence that his fears were justified or that he'd have been fired if he refused the assignment, added the arbitrator [*McCarthy v. Travelers Transportation Services Inc.*, [2012] C.L.A.D. No. 396, Dec. 12, 2012].