

CORE ISSUES: ARTICLE 29, INDEFINITE SUSPENSION OF DRIVING PRIVILEGES

ISSUE:

Did the management have “just cause” to suspend the grievant’s driving privileges indefinitely and has management violated National Agreement Article 29?

DECISION:

The DRT has **RESOLVED** this grievance. The grievance has merit. The grievant’s driving privileges will be re-instated immediately. The grievant will be returned to the position held prior to the letter of indefinite suspension of driving privileges issued on 01/08/2004.

EXPLANATION:

The union contends that the “indefinite” suspension of the grievant’s driving privileges is in violation of Article 29 of the National Agreement. The union argues that the grievant’s driving privileges have been suspended since the accident on 09//02/2003. The union further argues, management has not been reasonable and objective when determining “at fault” accidents that the grievant is being held accountable.

Management cites 5 motor vehicle accidents in 2 years and a total of 14 industrial accidents, in their Step A decision. Management states that 2 of the accidents involved rear end collisions and the grievant had been sent for re-training on 2/13/2003. In the letter dated 01/08/2004, management states that the grievant’s driving privileges are suspended “indefinitely” citing 4 motor vehicle accidents in less than three years.

The DRT has reviewed the case file and has determined that management violated Article 29 of the National Agreement. The J-Cam addresses temporary suspensions on page 29-2 and is quoted in part below:

3. When an employee’s driving privilege is temporarily suspended as a result of a vehicle accident, a full review of the accident will be made as soon as possible, but not later than fourteen (14) days, and the employee’s driving privileges must either be reinstated, suspended for a specified period of time not to exceed sixty (60) days, or revoked as warranted. If the decision is to suspend or revoke the employee’s driving privileges, the employee will be provided, in writing, the reason (s) for such action.

The letter, stating management’s intention to “indefinitely” suspend the grievant’s driving privileges, was issued on 01/08/2004. In excess of 4 months had passed since the accident of 09/02/2004. Management was allowed 14 days for this action, in accordance with the National Agreement, and at that time should have specified if the grievant’s license was revoked or suspended for a period not to exceed 60 days.

Based on the factual evidence present in the case file, the DRT has determined that the grievant’s driving privileges will be re-instated. The grievant is to be returned to the position held prior to the indefinite suspension of driving privileges.