Texting While Operating Train Not Cause to Terminate Since Boss Did It Too



The union admitted that an engineer used his cell phone to text his supervisor while in sole control of a moving locomotive but claimed that termination was disproportional. The federal arbitrator agreed and knocked the penalty down to 30 demerit points. Texting and driving is a serious safety violation, especially for engineers who “operate in a system of complex signals and switches where alertness and being free of distractions is of paramount importance.” On the other hand, the records showed that, on occasion, the supervisor had **also texted him** while he was behind the wheel, suggesting that the practice was not only tolerated and accepted, but actually expected [*Teamsters Canada Rail Conference v Quebec-Gatineau Railways*, 2022 CanLII 30034 (CA SA), April 4, 2022].