



**Statement by the**  
**The Hon. Terry Lister, JP, MP**  
**Minister of Transport**  
**Termination Bus Operator**

Good morning,

Thank you for joining me.

As you are aware we have been engaged in an ongoing dispute with the Bermuda Industrial Union, surrounding a Department of Public Transportation bus operator who has refused to be tested for substance abuse after causing an accident that injured a passenger's hand.

To be clear, in accordance with Ministry policy, the operator who caused the accident should have immediately reported the incident to DPT. This she failed to do. She should have submitted to an automatic substance test. This she also failed to do.

**The submission to an automatic substance test is a condition of employment at DPT. If a bus operator is involved in an accident that causes an injury to a person and that injury requires the person to go to the hospital, then the operator must undergo a substance abuse test.**

As was highlighted in our statement last week, the bus operator in question, a four-year employee, has been given at least five opportunities since the accident on Friday, 24<sup>th</sup> June to take a substance abuse test – in accordance with internal policy.

**To be clear the initial test should have been taken on the date of the accident. However, the operator, after leaving the scene of the accident, called in sick and did not return to work until Monday 27<sup>th</sup> June.**

**To be clear, the operator was contacted by the supervisor and was instructed to contact Headquarters as the acting Operations Manager requested her to return to Headquarters. The operator agreed to contact Headquarters; the only contact was her notifying the department that she was sick.**

I wish to make it clear that the initial suspension was with pay while investigations continued.

When she refused to be tested on Monday 27<sup>th</sup>, she was then placed on unpaid suspension effective Wednesday 28<sup>th</sup> June. It is important to point out that since which a Health and Safety investigation has determined that the operator was solely to blame for the accident.

I should note that if the tests results were positive, the policy would have been that the operator would not be automatically dismissed, instead she would have been referred to EAP with full pay and benefits while she receives the appropriate treatment and counseling.

DPT had given the operator another opportunity as recently as Friday, 12<sup>th</sup> August to take the test. And again she refused.

After a thorough review of the matter and numerous discussions with the BIU, a decision has been made by DPT to terminate her employment with the Department of Public Transportation on the grounds of insubordination in accordance with Article 27 of the Collective Bargaining Agreement.

I want to stress that the Ministry and DPT management has been more than accommodating to the employee, and has provided ample opportunity for her to be tested in accordance with our established policy.

And we don't wish to see anyone at a loss of employment, however policies, processes and procedures are put in place to be held and they are put in place for the protection of the employee, the employer and the public.... and they must be followed.

As a final note, I can assure the public that this Ministry has worked very, very hard to ensure that a fair, just and transparent process was adhered to.

I will now take any questions.

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