

Train conductor wins whistleblower case

Man fired from CN Railway last year

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A [Canadian](#) National Railway conductor who says he was wrongfully fired in 2013 could be getting his job back.

“This was a whistleblower lawsuit because I was singled out and wrongfully terminated,” Wayne Laidler said. “I felt it was important to pursue the case to bring to light the way corporate America treats their employees. The [company](#), they shoot first and ask questions later. I wanted to make sure this doesn’t happen to any other employees in the future.”

On May 7, the U.S. Department of Labor and the Occupational Safety and Health Administration ruled Laidler had been wrongfully fired. He was based out of Port Huron for seven years.

Laidler said he was fired after he refused to exit his train and do an inspection of an oncoming train at a Flint substation on Dec. 15, 2012.

“As a conductor, I am required to do a basic safety inspection of an oncoming train,” he said. “I am supposed to exit my train and physically look at the oncoming train to look for anything odd such as loose wires, or hardware, or something.

“But my train was stopped on a bridge. It was 3 a.m., it was dark, and it was foggy. It was not safe for me to climb out of my train, and onto the bridge to inspect the oncoming train. There was no safe place to stand.”

Laidler said his [actions](#) were questioned and, after saying it was unsafe for him to complete the inspection, he was terminated for not doing so.

According to the OSHA ruling, Laidler was correct in his claims that the conditions to perform the inspection were unsafe.

The railroad has 30 days from the date of OSHA ruling to reinstate Laidler to his conductor [position](#), expunging his previous work records, and giving him a fresh start.

Laidler said he had not been reinstated as of Thursday.

Patrick Waldrone, CN spokesman, said the company is considering an appeal. He declined further comment.

According to the case findings report, OSHA found that CN violated the Federal Railroad Safety Act. The agency ordered that Laidler be reinstated with guaranteed pay, that he also receive monetary compensation.

Laidler, who lives in Davison, will receive lost wages of \$92,916 plus \$6,408 of lost vacation pay, plus interest on back wages at the [rate](#) paid on tax overpayments, as stated by the Internal Revenue Code.

Laidler also will be paid compensatory damages of \$45,000 for the emotional stress of being wrongfully terminated.

He will also receive \$100,000 from CN Railroad in order to discourage repetitive behavior from CN Railroad, according to the ruling. CN Railroad will also pay Laidler's attorney fees.

Laidler said he will be glad to be reinstated.

"It will be awkward working under the supervisor who fired me," Laidler said. "But my records will be expunged, and I will have to be treated as a new employee. I am dedicated to my work, and I didn't do anything wrong."