

Company Fired Truck Driver for Refusing to Shovel Hot Asphalt



A supervisor asked a truck driver for a paving company to shovel excess hot asphalt out of the back of the truck because the truck exceeded the weight restrictions. The truck driver refused to do so, saying the asphalt was very hot and he was afraid of getting burned. The company fired him later that day, claiming it was for wearing out the truck's clutch. The driver filed a reprisal claim. The Labour Relations Board found that the driver had raised legitimate concerns about his safety in shoveling hot asphalt from the back of the truck. He reported these concerns to his supervisor and was fired as a result. The Board rejected the company's claim as to why it had fired the driver, noting that it permitted another worker to drive the truck with the allegedly worn clutch. So the Board ordered the company to pay the truck driver for four days' lost wages [*Lenihan's Paving (2013) Incorporated v. Boggs*, [2015] NSLB 53 (CanLII), April 16, 2015].