

# Driver Fired for Refusing to Lift Bins that Were Overloaded



A driver for an auto parts store refused to lift overloaded bins on several occasions, telling the supervisor they were too heavy for one person to safely lift. The third time, the supervisor got angry and told the driver to leave. A week later, he was suspended for four days, ostensibly because he failed to report that his truck's tires were bald. The employer then reduced his hours and finally terminated him. The driver claimed illegal reprisal in retaliation to his raising safety issues about the heavy bins. The Labour Relations Board noted that the driver had correctly exercised his right to refuse unsafe work. He then suffered three separate adverse consequences. The Board concluded that these consequences were based on his refusal rather than poor work performance [*Wilken v. Hotspot Auto Parts*, [2012] CanLII 72730 (ON LRB), Nov. 19, 2012].