

Driver's Refusal to Operate Bigger Truck Without Training Was Valid



A truck driver was hired to pull tankers and did so exclusively since he started working for his employer. But when the employer told him to pull a 53' trailer, which was taller and longer than a tanker, he refused on the grounds that he hadn't been trained to operate this kind of vehicle or to load and unload it. An MOL official investigated the work refusal and concluded it was valid. The employer appealed, arguing that the driver had 20 years' experience and didn't need additional training for this new job. The OHS Tribunal upheld the refusal. Over the nearly four years the driver had worked for the employer, he'd only driven tankers, which were smaller and handled differently than the 53' trailer. 'Performing this new activity without having received the appropriate and mandatory training presents inherent risks or hazards,' which constitute a serious threat to the driver's safety, said the Tribunal. So it concluded that the employer should've informed the driver of the hazards associated with this new task and given him the instruction and training necessary to protect himself from these hazards *before* asking him to perform it [*Keith Hall & Sons Transport Limited v. Robin Wilkins*, [2017] OHSTC 1, Jan. 27, 2017].