

Employer Didn't Have Just Cause to Fire Truck Driver



A long-haul truck driver claimed that he was unjustly fired. His employer said the driver was fired for cause after his fourth offence, as provided in its progressive discipline policy, and noted that he'd gotten six final written warning forms. The 'final straw' was a complaint from a customer that the driver had behaved in an abusive manner while delivering a load. But the arbitrator found that there was no direct evidence from the employer to refute the driver's version of the various incidents and contention that he hadn't acted improperly, such as testimony from eyewitnesses. And the warnings for exceeding the Hours of Service regulations followed instructions from the employer to keep driving. As a result, the employer failed to prove that it had just cause for dismissing the driver. So the arbitrator ordered the employer to pay the driver 10 days termination pay, eight days severance pay and damages equal to six months wages [*Knezevic v. H & R Transport Ltd.*, [2016] C.L.A.D. No. 290, Dec. 13, 2016].