

# OK to Fire Driver Who Nearly Hit a Co-Worker with His Truck



A worker was removing placards from his truck when another driver made a turn at a high speed and very close to the worker, leaving him upset and shaking. The employer fired the driver, finding that he'd committed major safety violations that resulted in a serious near miss. The union filed a grievance. But the arbitrator upheld the driver's termination. If the driver saw his co-worker, he was guilty of a willful breach that endangered that worker's safety; if he failed to see the co-worker, he was grossly and inexplicably negligent in the operation of his vehicle—especially since he had every reason to know that the co-worker was present and so at risk. Moreover, although the driver had been an employee for more than 30 years, he didn't apologize, express remorse or indicate that he'd conduct himself differently in the future [[Coca-Cola Refreshments Canada Co. Brampton Plant v. Unifor Local 973](#), [2016] CanLII 57978 (ON LA), Sept. 1, 2016].