

OK to Fire Snowplow Operator for Causing Two Accidents Within Weeks



A seasonal snowplow operator had an accident that ended in a ditch on the side of the road. The accident was caused by his driving too fast with his tires partially off the asphalt. He was given a warning. Three weeks later, the operator again ended up in a ditch after driving partially off the asphalt. A company mechanic showed up at the scene and got into an argument with the operator, who reported that the mechanic head-butted him. The company fired the operator for having two accidents within weeks of each other that resulted in damage exceeding \$20,000. He claimed he was fired to make the head-butting incident 'go away.' But the Labour Relations Board said none of the witnesses substantiated his story. He also told the WSIB the facial injury he suffered was from the accident, not the head-butt. And he'd been responsible for causing two safety incidents in a short period of time. So the Board ruled that he was fired due to these incidents and not to avoid dealing with an OHS complaint as to the alleged assault [*Fotak v. Fermar Paving Ltd.*, [2015] CanLII 46915 (ON LRB) July 29, 2015].