

Worker Fired for Doing Donut with Forklift not Entitled to Severance Pay



A company fired a worker and was then ordered to pay him termination and severance pay. It argued that because it fired him for wilful misconduct, he wasn't entitled to such pay. And the Labour Relations Board agreed. The worker, who was a team lead and member of the JHSC, drove his forklift at a high speed into a puddle, turning the wheel as he hit the water and spinning out of control. The forklift slammed into a concrete block. He didn't report the incident as required and wiped down the forklift at the point of impact. And when confronted, he denied hitting anything with the forklift. Engaging in dangerous horseplay and then failing to take responsibility for it constituted wilful misconduct. So the Board rescinded the order to pay [*Sims Group Recycling Solutions Canada Ltd. v. Barrett*, [2012] CanLII 60602 (ON LRB), Oct. 10, 2012].