News

Court of Appeal Upholds Termination of Employee for Driving Company Vehicle While Intoxicated

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In Dziecielski v. Lighting Dimensions, the Court of Appeal for Ontario recently upheld an employer's decision to terminate a long-service employee with an otherwise clean disciplinary record for driving a company vehicle while intoxicated. While driving, the employee had been involved in a car accident and was criminally charged.

The lower court had examined the surrounding factors in concluding that the employee's misconduct was such that it merited dismissal. Among other things, the employee had put himself and others at risk, had damaged employer property and had put the employer's reputation at risk. Despite the fact this was a single incident, it was sufficient to warrant the penalty imposed. The Court of Appeal agreed, stating that the trial judge's finding was "essentially factual". It did not see any errors in his conclusion that the employee's conduct amounted to "serious misconduct" in these circumstances.

For a more detailed discussion of this case, see our Case in Point blog post "Is Drinking and Driving Cause for Dismissal?".