

Is Terminated Driver an Employee or Independent Contractor?

written by vickyp | March 1, 2021



Mr. F worked as a driver for a shipping company for over a decade. When the company decided his services were no longer needed and let him go, Mr. F sued. The company claimed Mr. F was an independent contractor and not an employee. The federal arbitrator agreed and tossed Mr. F's wrongful dismissal lawsuit. The company didn't control his work; Mr. F was free to hire his own assistants; and other than a company scanner, Mr. F owned the vehicle and other equipment used to perform the job. The company appealed and appeared to have gotten the last laugh when the lower court reversed the arbitrator's decision. But the appeals court reinstated the arbitrator's ruling, finding that it was reasonable and that the lower court was wrong to overturn it [[6586856 Canada Inc. \(Loomis Express\) v. Fick](#), 2021 FCA 2 (CanLII), January 13, 2021].