

Negligent Hiring by Trucking Companies: How Ontario Holds Employers Accountable for Unqualified Drivers

Our Toronto Truck Accident Lawyers Explain Employer Liability

[Truck accidents](#) in Ontario often occur due to reckless truck drivers. And many times, these crashes can be traced back to negligent hiring practices by trucking companies. These companies have a legal duty to screen, train and supervise their drivers. Failure to properly review a driver's qualifications, driving record, and safety history can raise important legal issues. In particular, a trucking company may be liable (legally responsible) if a negligent truck driver causes a serious truck crash.

Many commercial vehicle operators in Ontario are required to hold a [Commercial Vehicle Operator's Registration \(CVOR\)](#) certificate, which tracks a carrier's collisions, convictions and inspection results over time. The [Canadian Council of Motor Transport Administrators \(CCMTA\)](#) also maintains the National Safety Code, which includes standards addressing commercial driver qualifications, licensing, training, hours of service, carrier safety ratings, and facility audits.

Our Toronto truck accident lawyers at [Smitiuch Injury Law](#) investigate exactly this kind of corporate negligence in serious crash cases. We look beyond the driver at fault to the company that put them on the road in the first place. That detailed, hands-on approach often uncovers a hiring or safety failure the trucking company would rather keep hidden.

What Duties Do Trucking Companies Have When Hiring Drivers?

Every trucking company operating in Ontario has a legal duty to hire competent, qualified drivers. That duty starts well before a new hire ever gets behind the wheel of a commercial truck. Employers must confirm a driver's licence class, review their driving history and check for any past safety violations.

[CCMTA's National Safety Code Standard 15](#), which addresses facility audits, identifies driver information and records that may be examined when a carrier's safety practices are reviewed. Carriers should keep a copy of each driver's licence, a recent motor vehicle record, and proof of any required endorsements. Carriers should also verify applicable qualifications, such as an air-brake endorsement or required dangerous-goods certification. A motor vehicle record shows a driver's own history of convictions and violations. These records exist so a company can catch a problem driver before a crash happens, not after.

A company that skips these checks, or hires a driver with a suspended licence or a history of serious violations, is exposing the public to real danger. That failure can become the foundation of a much larger legal claim once a serious crash actually happens.

What Counts As Negligent Hiring Under Ontario Law?

A negligent hiring claim can focus on whether the trucking company acted reasonably in selecting the driver, including what it knew or reasonably should have discovered about the driver's qualifications and safety history.

This is different from vicarious liability. [Section 192\(2\) of Ontario's Highway Traffic Act](#) can make the owner of a vehicle liable for loss or damage caused by a driver's negligence while operating the vehicle with the owner's consent. For example, if a trucking company owns a truck and an authorized driver runs a red light and causes a crash, the company may face liability as the vehicle's owner even if the company itself did nothing negligent in hiring the driver.

A negligent hiring claim focuses instead on the trucking company's own conduct. If the company failed to take reasonable steps when selecting a driver and that failure contributed to a crash, the company may face liability based on its own negligence. This can provide a separate basis for examining the company's conduct beyond the negligence of the person driving the truck.

What Red Flags Should Trucking Companies Catch Before Hiring a Driver?

A careful hiring process should catch warning signs long before a new driver ever gets behind the wheel. Skipping these checks can leave a company legally exposed after a crash. Common red flags a trucking company should never ignore include:

- **A Suspended or Restricted Licence** - A driver whose licence has been suspended, restricted or downgraded should raise an immediate concern.
- **A Poor Motor Vehicle Record** - Multiple convictions, collisions, or demerit points may suggest a pattern the company should investigate further.
- **Gaps in Employment History** - Unexplained gaps may warrant further inquiry into a driver's prior employment and experience.
- **Missing or Expired Endorsements** - A driver without a valid air brake endorsement or dangerous goods certificate should not be behind the wheel of certain loads.
- **A History of Hours-of-Service Violations** - Hours-of-service rules limit how long a driver can legally stay on the road before taking a mandatory rest break. A history of hours-of-service violations may be an important warning sign requiring closer supervision.
- **Prior Impaired-Driving or Drug-Related Safety Issues** – A history of relevant driving offences or documented safety concerns may require closer scrutiny before a driver is placed behind the wheel.

None of these red flags guarantees a crash will happen. But together, they show whether a company took its hiring duty seriously or looked the other way. A lawyer investigating a truck accident claim requests the driver's full file. That file shows which of these warning signs, if any, were sitting there all along.

Can a Trucking Company Be Liable For Retaining a Dangerous Driver?

Yes. A trucking company's potential negligence does not necessarily end with the hiring decision. A company may also face liability based on its own conduct if it learns that a driver poses a safety risk but fails to respond reasonably.

A pattern of safety complaints, new traffic convictions, or other documented concerns about a driver's fitness can put a company on notice of a potential safety problem. When a company is legally put on notice of a truck driver's violations, that company cannot later claim it had no idea. Once a company has that kind of warning, continuing to dispatch the same driver may support a claim that the company itself acted negligently.

Courts look at what the company knew and when it knew it. A trucking company that ignores clear warning signs about a driver's fitness cannot simply blame the driver alone. That failure becomes part of the case the moment a crash happens. It can shape how a court views the company's overall conduct.

What Evidence Proves a Company Negligently Hired or Retained a Driver?

Negligent hiring and retention claims often rely on strong evidence. A lawyer investigating this kind of case often needs specific records that show what the trucking company knew or reasonably should have known about the driver's qualifications and safety history. Such evidence can include:

- **Driver Qualification and Personnel Records** – Records concerning the driver's licence status, driving history, applicable qualifications, training, and other safety information maintained by the carrier.
- **Motor Vehicle Record and CVOR Abstract** - The driver's own licence history alongside the carrier's CVOR safety rating and violation history.
- **Hiring and Background Check Records** - Documentation showing what the company actually verified, or failed to verify, before putting the driver on the road.
- **Internal Complaints and Discipline Records** - Prior warnings, write-ups or customer complaints the company received about the driver.
- **Training and Safety Meeting Logs** - Records showing whether the driver received the training the company claims it provided.

Trucking companies do not always keep these records as organized as regulations require. Some records may be lost, overwritten, or routinely destroyed over time, which is why early preservation efforts can matter. A lawyer may also send a formal preservation letter instructing the trucking company to preserve potentially relevant records and electronic data. A lawyer who moves quickly can make sure such evidence is saved and not lost or destroyed.

Why Does a Trucking Company's CVOR Safety Rating Matter in a Claim?

Ontario's CVOR system tracks a carrier's safety performance, including information about collisions, convictions, inspections, and enforcement history. CVOR operators are also assigned safety ratings based on their safety performance.

A lawyer can request a carrier's CVOR abstract, a report containing information about the carrier's safety performance and history. Repeated violations, multiple collisions, or a pattern of inspection problems may provide relevant evidence about the carrier's broader safety practices, depending on the circumstances of the case. The rating becomes part of the larger evidence picture, not the whole case on its own.

A single bad rating rarely wins a case by itself. But combined with a driver's own record and the company's hiring decisions, it can help show a clear pattern. That pattern is often exactly what the trucking company should have caught long before the crash. That combination often carries real weight with an insurer.

Why Are These Cases More Complicated Than Other Accident Claims?

A truck accident claim rarely involves just one driver and one insurance company. Liability can extend to the driver, the trucking company, a leasing company or even a staffing agency. That agency may have placed the driver with the carrier in the first place. Untangling who actually controlled the hiring decision takes real investigation.

Commercial truck cases can involve complicated insurance and corporate relationships. Trucking companies and their insurers may dispute who is legally responsible for a crash. They may argue the driver was an independent contractor rather than an employee, which can raise additional questions about the driver's relationship with the carrier and who exercised control over the work.

Sorting out who is actually responsible often requires pulling records from multiple companies, not just one insurance file. A lawyer experienced in these cases knows where to look. That means holding every responsible party accountable, not just the person who happened to be driving that day.

How Can a Toronto Truck Accident Lawyer Help After a Crash Caused by an Unqualified Driver?

Truck accident claims involving a negligent hiring issue take time and resources to investigate properly. Trucking companies and their insurers rarely hand over hiring records voluntarily. Instead, they often fight hard to keep the focus on the driver alone. Ontario's roads see serious truck crashes every year, and the company behind the wheel deserves just as much scrutiny as the driver.

Our Toronto truck accident lawyers at [Smitiuch Injury Law](#) work hard to build a detailed record of exactly what went wrong. We request driver qualification files, CVOR records and internal hiring documents as early as possible in every serious truck crash case. We look at the company's hiring and retention decisions just as closely as the crash itself. That approach reflects our firm's long-standing commitment to holding every responsible party accountable, not just the driver in front of you.

If a trucking company put an unqualified or dangerous driver on the road and that decision hurt you, [contact us](#). A free case evaluation can help you understand who may be responsible for what happened. There are no fees unless compensation is recovered on your behalf.