Can You Terminate Employees for “Quietly Quitting”?



No, but you may be able to fire them for other reasons.

“Quiet quitting.” It’s a term you’ve probably heard in the past few weeks thanks to a new TikTok video featuring disaffected employees describing their experiences in rebelling against what they see as the oppressive HR system. But while the term is new, the behaviour is anything but. It occurs when employees deliberately disengage from work without actually abandoning their job. The idea is to do only the bare minimum needed to collect their paycheque. Quiet quitters show up around 9 AM and leave the second the clock strikes 5. They don’t care about, and often despise the company, customers and people they work with.

Fundamentally, quiet quitting is a social phenomenon rooted in generational attitudes, burnout, family responsibilities and, above all, employee mistrust of employers to manage their workload and provide fair compensation. To ultimately resolve it, companies must support employees’ mental health, promote work-life balance, reward productivity and increase engagement.

But that will take time. In these troubled times, employers need to know what they can and can’t do to crack down on their own employees who might be engaging in quiet quitting.

Is Quiet Quitting Just Cause to Terminate?

The short answer is no. **Explanation:** Barring a contract or collective agreement, you can always fire any employee at any time and for any cause, including no cause at all. But unlike in the U.S. where employment is at will, under Canadian employees who are fired without cause are entitled to termination notice or wages in lieu of notice, as well as vacation and other amounts due under employment standards laws; they may also be in line for what’s called “common law” notice to compensate them for the damages they suffer as a result of being wrongfully dismissed.

Of course, you don’t have to pay these amounts if termination is for just cause, that is, conduct that violates the employment contract and irreparably and fundamentally undermines the trust on which the employment relationship is based. But quiet quitting doesn’t rise to that level since employees **are** performing their job duties. In other words, while you might hope and even expect employees to do more than the bare minimum required for the job, you probably don’t have just cause to terminate

them if they don't.

When It Might Be Okay to Terminate Quiet Quitters

While mere refusal to do more than the bare minimum may not be just cause, there may be other circumstances or behaviours that do cross the line.

1. Failure to Meet Performance Standards

You can always discipline and terminate employees for poor performance, provided that you can demonstrate that:

- You have clear, specific and measurable performance or productivity standards for the position;
- You effectively communicated those standards to the employee;
- The employee didn't meet the standards;
- You warned and gave the employee a fair opportunity to meet the standards; and
- You consistently terminate other employees who don't meet those standards.

2. Violation of Social Media Policy

Quiet quitting takes on a totally different dimension when employees brag about it on social media. It's well established that what employees post about their jobs, whether on- or off-duty, isn't privacy-protected. What matters is whether:

- The communication harms the company or its reputation;
- It's clear which specific company and/or individual the post refers to; and
- The company has a clear social media use policy.

3. Violation of Off-Duty Conduct Policy

Quiet quitting can also be grounds for termination under an off-duty conduct policy if it:

- Hurts the company's reputation;
- Undermines the employee's ability to do the job effectively;
- Makes co-workers unwilling, unable or reluctant to work with the employee;
- Constitutes a serious breach of the *Criminal Code*; or
- Makes it hard for the company to properly carry out "its function of efficiently managing its works and efficiently directing its working forces."

4. Absenteeism

Doing the bare minimum means showing up for work on time every day. Unexcused absences, including doing the job from home without proper permission to telecommute, is legitimate grounds for discipline, based on the terms of your attendance policies. For these same principles, you can also discipline employees for engaging in time theft.

Takeaway

Firing employees for not doing anything more than the job requires will be problematic. However, you can and must insist that all employees comply with all of your HR policies. Recognize that the same scorn, contempt and selfishness that causes employees to engage in quiet quitting may also lead them to violate workplace policies that may constitute just cause to terminate. Last but not least, adopt a written policy condemning quiet quitting at your organization.