

Disobeying a Direct Order Isn't Necessarily Insubordination

written by Tina Tsonis | January 25, 2022



It depends on whether the order the employee defies is reasonable.

Employers have the right to run their businesses as they deem fit and the employee's role is to carry out orders, not second-guess them. In the eyes of the law, deliberately disobeying a direct order is the basic equivalent of repudiating the employment contract. It's an act of insubordination that betrays and a betrayal of the employer's trust justifying termination. At least that's the general rule. An act of insubordination isn't just cause for termination when the order the employee disobeys is unreasonable. Here are 2 cases involving similar fact patterns that show how courts evaluate the reasonableness of orders in deciding if an employee was insubordinate in refusing to obey it.

DISOBEDIENCE IS NOT INSUBORDINATION

SITUATION

A hotel chain executive orders the general manager to prepare an annual budget showing at least \$6.6 million in profit. The general manager regards the projected profit as unreasonable and unrealistic. So, she refuses to make the ordered change. As a result, she gets fired for disobeying a direct order.

RULING

The BC Supreme Court rules that the company didn't have just cause to fire the general manager for insubordination.

REASONING

The general manager's decision not to list an unreasonable profit total in the budget didn't breach an "essential condition of her employment." In fact, it was precisely the opposite. The general manager's job description required her to exercise independent judgment and leadership in the budgeting process, the Court explained. She was also one of the 2 individuals responsible for signing the budget after it was prepared. The company's Code of Ethics stated that all employees were expected "to act with honesty and professionalism, guided by the highest standards of ethical conduct." Thus, in refusing to knuckle under to management's demands, the general manager was doing her job and upholding the company's own values.

[*Adams v. Fairmont Hotels & Resorts Inc.*](#), 2009 BCSC 681 (CanLII) May 22, 2009

DISOBEDIENCE IS INSUBORDINATION

SITUATION

A real estate appraiser who works for the government submits an appraisal for a piece of property. His boss tells him the report is unsatisfactory and orders him to change it and includes a set of detailed instructions of the changes he wants. The appraiser refuses to make the changes. So, he's fired for insubordination.

RULING

The federal Public Service Board says the agency has just cause to discipline the appraiser for insubordination.

REASONING

Like the general manager in *Adams*, the appraiser was responsible for the quality and accuracy of the document he was being asked to prepare. And he asked for and didn't receive additional data and an explanation of why the changes he was being asked to make were necessary. But unlike the general manager in *Adams*, he never claimed that the ordered changes were unreasonable or unethical. To the extent he considered the orders objectionable, he should have obeyed first and grieved later, said the Board. His "stubborn" refusal to follow orders was thus an act of insubordination. But the Board reduced the penalty to a 20-day suspension based on mitigating factors.

Taback and Treasury Board (Dept. of Public Works), [1982] C.P.S.S.R.B. No. 203

Takeaway: Implement an Insubordination Policy

While you don't want employees to display insubordination and insolence, you also want them to feel empowered to voice their own opinions and challenge the decisions of their superiors. To strike the right balance, it's essential to implement a [written insubordination and insolence policy](#) that clarifies your expectations and standards of acceptable behaviour for how employees can appropriately express disagreement with management decisions and directives.