

Does Co-Worker Conflict Poison a Workplace?



Constantly fighting with co-workers can make anybody dread coming to work. But workplace conflict is generally *not* grounds for constructive dismissal; it's a normal and largely unavoidable part of employment. Employees aren't expected or entitled to get along with all their colleagues. But what they *are* entitled to is courteous, professional and respectful treatment from their co-workers. When conflict exceeds these boundaries, it may poison the workplace and open the door to constructive dismissal claims. Here are 2 cases illustrating how courts draw the line between normal professional conflict and personal abuse that creates a toxic work environment.

CONFLICT DOESN'T POISON WORKPLACE

FACTS

For a year, the manager of a freight company directs a constant stream of criticism and abusive language at the 2 female administrators with whom she shares a small upstairs office. The administrators don't particularly like or respond positively to being criticized all the time. All seems well, though, when the manager's unexpected complimentary email secures both ladies a raise. But the peace is short lived and soon the staffers are taking their grievances against the manager directly to her boss. In response, the boss advises the manager to tone it down. Horrified by this supposed lack of support, the manager develops stress and goes on leave, never to return. She later sues for constructive dismissal.

DECISION

The BC Supreme Court throws out the manager's case.

EXPLANATION

The manager quit and wasn't constructively dismissed. Not every workplace blow-up "automatically results in poisoning the workplace," the court explained. Although the atmosphere *was* negative, it wasn't beyond what "an employee might reasonably be expected to bear" and it didn't make it impossible for the manager to do her job. And the tension that did exist was largely of the manager's own making, continued the court, in constantly sending critical notes about the staffers in a deliberate attempt to "increase the dissension and conflict."

CONFLICT DOES POISON WORKPLACE

FACTS

During his first 9 months on the job, a parking company supervisor thinks he's landed the job of a lifetime. But then relations with his manager take a negative turn. What starts as professional criticism soon degenerates into verbal abuse. Every day, the manager berates and hollers at the supervisor. After putting up with the abuse for a year, the supervisor decides he can take no more. So he leaves the company and sues for constructive dismissal.

DECISION

The Alberta Court of Queen's Bench rules that the supervisor was constructively dismissed.

EXPLANATION

The conflict between the supervisor and manager wasn't just a personality conflict, the court explained. It was a "calculated pattern of behaviour" by the manager. The manager's repeated threats, yelling and screaming, name calling and vulgarity poisoned the workplace. And because it violated the employer's fundamental (albeit implied) duty under the employment contract to treat the supervisor "with civility, decency, respect and dignity," the manager's conduct was also grounds for constructive dismissal.

Lloyd v. Imperial Parking Ltd., [1996] A.J. No. 1087, Dec. 10, 1996