

Genuine Remorse Can Save, But Fake Remorse Can Cost Employees A Job



"Is [fill in the blank] conduct just cause for termination?"

This is probably the question HR Insider members ask me the most often. And the answer is always the same: It depends. It depends not just on what employees do wrong but also, in large part, whether they apologize and express genuine remorse for their wrongdoing. The word "genuine" isn't just a throwaway.

Consider this scenario: An employee gets into a physical altercation with a female customer. It's the latest in a series of discipline-worthy incidents and you decide to terminate him. But during the [disciplinary meeting](#), he issues an emotional apology, expresses remorse and promises to clean up his act. So, you decide to give him one more chance.

A few days later, you come upon a text the employee sent the evening before the meeting in which he's wearing the uniform of your competitor over a two-word message: "F**** [your company]."

Is feigning remorse to save his job [just cause](#) to terminate the employee? The federal arbitrator who recently addressed this question said yes. The company was firing him not for the original altercation but a [new offence](#), namely, his [dishonest conduct](#) during the disciplinary meeting. The incriminating text justified the company's determination that the employee's display of remorse was nothing more than crocodile tears and undermined the trust on which the employment relationship is based, the arbitrator concluded [[United Parcel Service v Teamsters Local Union No. 213](#), 2021 CanLII 64789 (CA LA), July 26, 2021].