

Off-Duty Assault of Co-Worker Is Just Cause to Terminate



An airline pilot was fired after being charged with assaulting a co-worker and former lover at home. *Millhaven Fibres*, the seminal case on the issue, lists the 5 factors that determine whether employees can be fired for off-duty conduct. The employer was able to prove 4 of these—the pilot’s conduct rendered him unable to do his job effectively, made co-workers reluctant to work with him, was a serious criminal violation and made it harder for the employer to manage its business. The only factor missing was proof of actual damage to the airline’s reputation. But the federal arbitrator found just cause to dismiss, citing other courts ruling that the mere potential to do reputational damage is enough. Besides, there’s no rule that says an employer must prove all 5 of the *Millhaven* factors [[Sunwing Airlines Inc. v Unifor And Its Local 7378](#), 2021 CanLII 13232 (CA LA), February 22, 2021].