

Ontario Board Rules “Just Cause” Is Not Enough to Avoid Paying Termination Notice



The Ontario Labour Relations Board ruled that a plant had just cause to fire an employee for sleeping on the job but *still* had to pay him termination notice. Under the ESA (Section 2(1)(3.) of the regulations), notice need not be paid to an employee who commits “*willful* misconduct, disobedience or *willful* neglect of duty that is not trivial and has not been condoned by the employer” (emphasis added). The employer produced photos proving that the employee was asleep; but they didn’t prove the offence was willful. Result: The plant had to pay the employee termination notice and stat holiday pay [*Zhang v. Crystal Claire Cosmetics Inc.*, 2015 CanLII 32245 (ON LRB)].