Terminating Employees for Insolence Scorecard



What's the difference between legitimate criticism of authority and insolence? Here are 10 cases where critical comments made by employees about their boss crossed the line and justified discipline, including – in many instances – termination without notice. Moreover, in many of these cases, the court or arbitrator ruled that a single incident of insolence was enough to permanently undermine the employer's trust, thereby constituting just cause for termination. Go to the HR Insider website for a complete Compliance Game Plan on how to terminate employees for insolent behaviour.

SCORECARD: Cases Upholding Termination for Insolence

CASE	WHAT INSOLENT EMPLOYEE SAID
Toronto (City) Board of Education v. O.S.S.T.F., District 15, 1997 CanLII 378 (SCC)]	Teacher writes letter to school board saying he wished the "Montreal Massacre had happened at [his workplace address], the Canadian epicenter for racial bigotry and tokenism. The gunman should have lined up you and your crony superintendents. . . against the wall and shot all of you. That would have been the most satisfying day of my life."
Discharge for Facebook Postings Grievance [2012] C.L.A.D. No. 85	Postal employee posts letter on Facebook calling her supervisor, by name, a "devil," a "C***", a "b****," "the Wicked Witch of the postal station;" [I'm making a voodoo doll of her] and "if I weren't drunk, I'd take it out to the driveway and run the B**** over;" "DIE B**** DIE."
Alberta v Alberta Union of Public Employees, 2011 CanLII 95004	Nurse writes a blog calling her supervisor "Nurse Ratched" and her workplace a lunatic asylum. She also writes about her coworkers in extremely insulting, hurtful, and mean-spirited terms, such as by mocking the menopausal memory lapses of a colleague. Although she doesn't use real names, it's obvious based on the information she provides about where she works to identify the individuals she's talking about.
Unifor Local 252 v Nestle Canada Inc., 2019 CanLII 871 (ON LA)	Forklift driver calls his supervisor a "f***ing idiot".

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IBEW (System Council No. 11) v Canadian Pacific Kansas City Railway, 2023 CanLII 73434 (CA LA)	Employee suspended 20 days for calling his manager a "f***ing idiot".
Wise v. Broadway Properties Ltd., 2005 BCCA 546 (CanLII)	Employee sends her boss, an 80-year-old Jewish man who survived the Holocaust, a note comparing her work situation to "the unfortunate Jews impressed into working without pay" during World War 2.
Chen v. Sable Fish Canada Inc., 2010 BCSC 444 (CanLII)	Technician sends her company board of directors an email criticizing her superiors, stating that management is "disastrous" and leading the company to "failure," and asking, "is this how you want your company managed?"
Van Der Meij v. Victoria Immigrant and Refugee Centre Society, 2008 BCSC 954 (CanLII)	Coordinator who's clashing with her manager sends board of directors an email setting out her side of the story, stating: "My position has been compromised by [manager's name] unilateral actions that he has kept secret from me. . . and [manager's name]'s stated intention to violate a client's right to confidentiality."
Lougheed Imports Ltd. (West Coast Mazda) v. United Food and Commercial Workers International Union, Local 1518, 2010 CanLII 62482 (BC LRB)	Automotive shop employee posts a note on Facebook stating "[company name] is a f***in joke….don't spend your money there as they are f***in crooks and are out to hose you… there a bunch of greedy c***suc**** low life scumbags… wanna know how I really feel??????"
Canadian National Railway Company, [unreported] No. 3174, Arb. Picher, Dec. 15, 2000	Railway worker writes a note criticizing his supervisor by name: "Most employees have no respect for his knowledge on the job. If you take a problem to him, he will ask irrelevant questions, he will keep you on for the duration of the problem for someone to blame. He has a terrible hygiene problem. He smells of body odour and very bad breath. It is accepted that he is on a power trip and don't give him any ammunition to use on a fellow employee or hassle a train crew."