

Was Employee's Disrespectful and Harassing Email Just Cause to Terminate?



Even if he hadn't voluntarily resigned, an employer contended that it had just cause to fire an import manager for disrespectful and harassing conduct, citing an email in which he ridiculed the company and his colleagues. The lower court sided with the manager on the basis of the rule banning employers from using after-acquired evidence to show that termination is lawful. But the BC Court of Appeal said the court was wrong to do this because there was no evidence that the company had obtained the email only after it terminated the manager. And since that was the only basis of the lower court's ruling, the case had to go back down for a new trial [[Nagy v. William L. Rutherford \(B.C.\) Limited](#), 2021 BCCA 62 (CanLII), February 5, 2021].