

## ***Reinstatement Ordered After Employee “Only” Threatened to Kill His Supervisor and Burn His House Down***

A recent arbitration decision from BC highlights the difficulties employers face when trying to allege just cause for termination.

In *Crown Packaging Ltd and CEP, Local 443*, the employer terminated a line-level employee for just cause when the employee threatened to kill his supervisor and burn down the supervisor’s house. While the arbitrator noted that threats of violence are amongst the most serious of employment offences, given the employee’s 34 years of service and unblemished disciplinary record, the employer did not have just cause for termination.

Violence in the workplace is a topic that has received significant attention in recent years. In particular, Alberta, British Columbia, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland and Labrador, Quebec, and Prince Edward Island have all introduced specific legislation outlining an employer’s obligations with respect to violence in the workplace. However, this decision highlights that other factors, such as the employee’s previous disciplinary record and years of service may in fact outweigh the employee’s misconduct in determining whether an employer has just cause for termination.

In order to ensure all circumstances are carefully weighed before deciding to terminate an employee for just cause, we urge you to contact e2r®. A service provider will be happy to review the circumstances with you to ensure the right decision is made for your organization.