

Ex-Employee Successfully Sued for Comments Online

We've seen numerous cases over the years where an employee's comments and bad behaviour online have led to discipline or even discharge. A recent decision from Quebec shows that there can still be consequences for speaking ill of an employer post-employment. In *Servant v. Ritchie*, the employer successfully sued a former employee for his Facebook posts which defamed their facility and were awarded \$17,500 in damages.

Ian Ritchie was employed at Monseigneur Blanche Residence, a private care facility for patients with mental, physical and developmental disabilities in Sept-Iles, Quebec. The facility was owned and operated by Nancy Servant and her partner Mohamed Ahmed and was well-regarded in the community. After being employed for only a month in 2016, Ritchie was terminated for failing to meet the service standards and requirements of his position. Two days after his departure, Ritchie posted the following on his personal Facebook page:

"When you work in a private care home and you see an attendant drag a patient by the legs, that is not good... But when you speak to your boss about it and he shows you the door, saying that you're criticizing the work done by your [colleagues]... What does one say then????"
[Translation]

The next day, he posted another message on a larger, public Facebook page, repeating his message and claiming that he was terminated for speaking up and reporting the misconduct he allegedly witnessed.

His allegations drew plenty of comments online as well as attention from within the community. A formal investigation was launched by the regional Integrated Health and Social Services into the conduct of the attendants working at the facility, but no wrongdoing by the facility was found.

Servant and Ahmed asserted that the comments had been damaging, despite being proven completely untrue. The rumour mill within the



community persisted and Servant and Ahmed had difficulty finding new staff willing to be associated with their facility. After several months of addressing questions about their standard of care, they launched a defamation suit against Ritchie and were awarded \$17,500.00 in damages.

Of note in this case is that Ritchie did not defend the claim and that Servant and Ahmed operated in a small community, both factors contributing to the decision. It is also important to note however that employers may be in a better position than they realize when addressing a former employee's misconduct.

If you have any questions about this particular case or how to handle an employee's online misconduct, please do not hesitate to contact an e2r® Advisor.

