

Honesty is always the best policy...

A recent Ontario decision confirms that the lessons your parents imparted on you as a child about telling the truth apply equally in the employment context!

Francis Aboagye commenced an action for wrongful dismissal against Atomic Energy of Canada Limited (AECL) when his employment was terminated due to his dishonesty during the hiring process. AECL is a nuclear agency and, accordingly, requires that all its employees obtain security clearances related to their position that meet the standards set by the federal government, as well as the Canadian Nuclear Safety Commission. AECL offered employment to Aboagye that was conditional upon successfully obtaining security clearance. As part of this process, Aboagye was required to disclose his employment history for the preceding five years. On the form, Aboagye left a blank space in relation to his 'current' employment. An AECL Personnel Security Officer contacted him to confirm his current employment status. In response, he specified that he was unemployed. Aboagye was offered a position as an Industrial Safety Specialist and commenced his employment in May 2012.

Shortly after starting his employment, AECL received several harassment complaints against Aboagye. Upon conducting investigations into the complaints, AECL learned that he was working for another company during the security clearance process but had overtly lied to AECL about his employment status. AECL decided to terminate Aboagye's employment based on the findings of the harassment complaints, as well as his blatant dishonesty during the hiring process.

The Court concluded that Aboagye's dishonesty went to the core of the employment relationship. In particular, he was dishonest during a highly regulated security screening process that was put in place to protect the federal government and the Canadian population's interests.

While the Court sided with the employer in this case, terminating an employee for cause, even when they have lied directly to their employer or prospective employer, is not always straightforward. In fact, there are several cases where incidents of lying and dishonesty have not amounted to just cause.

Given each case is determined on its own unique set of facts, we recommend speaking with an Advisor at e2r® before proceeding with a termination for cause.