

Company Protected by Workplace Policy & Investigation in Firing Employee for Cause after Lunchroom Argument

It is well known that terminating an employee on a just cause basis is often referred to as the “capital punishment of employment law” and is reserved for exceptional cases. The Alberta Court of Queen’s Bench (Alberta’s superior court) recently released a decision that reinforces the benefit of proper use and implementation of workplace policies and investigations in supporting a decision to fire an employee for cause.

In *Belyea v. Syncrude*, a 10-year employee of Syncrude, Mr. Belyea, became frustrated when he found a junior co-worker sat in his favourite lunchroom chair and the co-worker refused to move when Mr. Belyea asked him to do so. At the end of a brief exchange, Mr. Belyea “chucked” a bike chain onto his co-worker’s hand, breaking the lunch container that the co-worker was holding and spilling food onto the co-worker and the floor. As a result, Syncrude fired Mr. Belyea for cause.

Before firing him, Syncrude conducted a comprehensive investigation that involved hearing an account of the incident from Mr. Belyea, the complainant, multiple witnesses, and allowing Mr. Belyea to respond to the complainant’s account. The investigator concluded that Mr. Belyea breached Syncrude’s Treatment of Employees Policy with respect to physical acts of violence. The Policy’s definition of violence, which Mr. Belyea was aware of, included “attempted” and “is likely to cause physical injury”. Therefore, actual physical injury did not need to be proven for it to be found that violence occurred.

The court applied a contextual analysis and considered many factors in ultimately determining that cause for the termination of Mr. Belyea’s existed and was proportionate to his actions. In ten years, Mr. Belyea received several positive performance reviews and was recognized as a valuable employee. However, Mr. Belyea had previous similar disciplinary issues within the workplace. More specifically, he struggled with managing conflict, aggression and appropriate communications with colleagues. Related to this, Syncrude took disciplinary steps and corrective action in 2003, 2006 and 2010. In 2010, the incident resulted in a warning to Mr. Belyea that his failure to correct behaviour could result in termination. Further, Mr. Belyea was well aware of Syncrude’s applicable policies. Syncrude’s Treatment of Employees Policy was reviewed with Mr. Belyea on multiple occasions as part of his employment, including when he was first hired and as part of the corrective action taken in 2010. Finally, the Court found it relevant that throughout the entire process relating to the lunchroom incident (which occurred in 2012), Mr. Belyea maintained that he dropped the chain on the floor, he refused to take responsibility for his conduct and he showed no remorse.

Taken together, these factors justified a finding that Mr. Belyea’s conduct violated an essential condition of his employment contract and breached the trust required for his employment relationship with Syncrude. The court therefore found that Syncrude discharged its onus in justifying summary dismissal.

With respect to workplace policies, this case reiterates the importance of thorough workplace policies with clearly and broadly defined terms. It also highlights the importance of ensuring that all employees are both aware of and trained on policies regularly and as required (ex. as part of corrective and/or disciplinary action).

With respect to workplace investigations, this case emphasizes the importance of properly conducted workplace investigations. More specifically, employers are well advised to ensure that investigations are thorough, completed on a timely basis and follow proper process which ensures procedural fairness to all parties.