

# Safety manager wins wrongful dismissal suit having not failed to complete assigned tasks

August 28 2018 | Contributed by [Dentons](#)

An Alberta safety manager recently won C\$28,000 in damages after he was fired by his employer.<sup>(1)</sup> The employer argued that the employee had quit or, in the alternative, that there was just cause for dismissal.

The court rejected the employer's argument that the employee had quit. The employer's email stating, "Don't bother coming in either I'll look after all this k that your two weeks. Thanks for your services have good day [sic]", made it clear that the employer had dismissed the employee.

The court also rejected the employer's argument that it had just cause for dismissal. Contrary to the employer's claim, the employee had not failed to complete the assigned task of adding certain safety procedures to the employer's safety manual and, even if he had failed to do so, there was no evidence that the company had suffered harm as a result.

Further, the court held that the employee's outburst in which he told his manager to "f-off" on a telephone call was not just cause for dismissal. The outburst took place on a private call and there was no scene in front of other employees or the public. The employee had an unblemished work record and the manager admitted that he fired the employee in the heat of the moment.

Therefore, the court held that the employee, who had three-and-a-half years of service and an annual salary of C\$82,000, was entitled to four months' pay in lieu of notice – approximately C\$28,000 in damages.<sup>(2)</sup>

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## Endnotes

(1) *Bohnet v Rebel Energy Services Ltd*, 2018 ABPC 131 (CanLII).

(2) For more information please see [www.occupationalhealthandsafetylaw.com](http://www.occupationalhealthandsafetylaw.com).

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