Continual Failure to Improve Performance Justified Worker’s Firing



A worker at a tire manufacturing plant got a 24-hour suspension for violating LOTO procedures. On two subsequent occasions, he failed to complete required paperwork. As a result, he was given a “last chance” warning. But a few months later, he again didn’t fill out required forms and was fired. He filed a wrongful termination complaint. The Labour Board noted that the suspension was justified for his LOTO infraction. In addition, the worker knew the rules, had been warned about his performance, including the need to complete safety documents, and of the consequences for failing to consistently comply. The Board found that the employer had reasonably concluded from the worker’s continuing failure to improve his performance that it couldn’t rely on him to consistently apply its safety and quality standards. Thus, his firing was justified.

[Young v. Michelin North America (Canada) Inc., [2016] NSLB 263 (CanLII), Nov. 17, 2016]