Employer Didn’t Have Just Cause to Fire Worker for Not Wearing PPE



A solid waste facility fired a worker for, among other things, failing to follow safety procedures’specifically not wearing required PPE. The court said that although the worker didn’t wear a hardhat at all locations in the facility, she did wear it in areas where it was required. It found that the employer didn’t take the necessary steps to ensure that there was a clear and unequivocal set of rules, guidelines and/or policies that made it clear what PPE was to be worn at what locations and at what times. And to the extent that there was some verbal direction provided, this direction wasn’t entirely clear and can’t be relied on as establishing a standard that the worker can then be viewed as having violated. So the court concluded that the employer failed to establish that it had just cause to fire the worker [*Goncharova v. Marsh Lake Waste Society*, [2015] YKSM 4 (CanLII), Dec. 30, 2015].