

Worker Wrongfully Dismissed after Punching Co-Worker in the Face



A worker and co-worker, who had a tense relationship, got into a physical fight after the co-worker elbowed the worker. The co-worker ended up with a bloody nose and broken safety glasses. The employer fired the worker for punching the co-worker. The worker sued the employer for wrongful dismissal. The court found that the co-worker's elbowing of the worker wasn't violent or deliberate. The worker was the aggressor, punching the co-worker in the face. This behaviour violated the employer's rules of conduct and thus warranted discipline. But the employer didn't consider any alternatives to firing the worker, who had an 'unblemished work record.' Concluding that the worker had been wrongfully dismissed, the court ordered the employer to pay him about \$45,000 in damages [*Phanlouvang v. Northfield Metal Products (1994) Ltd.*, [2014] ONSC 6585 (CanLII), Nov. 17, 2014].