

**COURT FINDS THAT REPEATED INSTANCES OF INSUBORDINATION CONSTITUTE
CAUSE FOR DISMISSAL**

Daniels v. Canadian Gift and Tableware Association, Ontario Superior Court of Justice, June 2, 2003

An Ontario Court dismissed an employee's action for wrongful dismissal, holding that the cumulative effect of her repeated instances of insubordination was "overwhelming" and warranted dismissal.

The Court recited the employee's catalogue of offences as follows: engaging in several instances of "out and out insubordination", attempting to bypass her immediate superior, acting without authority, failing to follow the reasonable instructions of her superior, challenging her superior's authority in a belligerent and argumentative fashion and, finally, undermining staff confidence in management by spreading false rumours about management. In describing the employee's conduct, the Court observed: "[The employee] had gotten quite used to her world, a world in which she operated rather like some 11th or 12th century baron, totally in control of her own little fiefdom and owing scant, if any, allegiance to her king".

The Court held that by spreading false rumours in this case, the employee had engaged in a final culminating act of misconduct. The Court found that the incident merited disciplinary sanction and that it was entirely proper for the Company to consider her employment record in determining the sanction that was appropriate for that final incident. The Court also found that the employer had properly warned the employee in a clear and unequivocal manner that her job was in jeopardy and had given her a reasonable opportunity to correct deficiencies before dismissal. Accordingly, the employee's action was dismissed.