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## Refusal to Return to Work Constitutes Just Cause

In *Staley v. Squirrel Systems of Canada Ltd.*, 2012 BCSC 739, an employee, Mr. Staley, who worked at Squirrel's Burnaby head office for approximately 15 years requested to work for Squirrel remotely from Montreal due to his wife being transferred. Squirrel temporarily permitted this arrangement. However after approximately six months the parties were unable to come to an agreement with respect to how the employment relationship would operate. At this time Squirrel wrote to Mr. Staley advising that if he did not return to work on a set date his employment would be terminated.

Mr. Staley did not return to work and his employment was terminated for cause. The employer agreed that the employee was a good and diligent employee with no discipline record.

The Court held that Mr. Staley's failure to report to work at Squirrel's head office was an act of wilful disobedience and insubordination and "amounted to a repudiation of a fundamental term of the employment relationship."

This case highlights that insubordination is a serious workplace offence and can constitute just cause for dismissal even for long service diligent employees with no discipline record.

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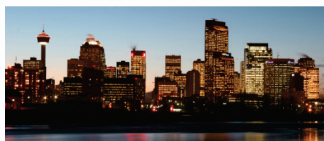
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