

Case Study

Mr. Hugh Hearing was temporarily employed as the Chief Listening Officer at the Ministry of Auditory Health Services, a role that included responsibility for overseeing and monitoring workplace noise levels in accordance with established occupational health and safety standards. Throughout the months of October and November 2022, Mr Hearing and his colleague Mr. Peter Process were continuously at loggerheads about what noise levels properly meet the required standards. This culminated in a heated verbal altercation on November 28, 2022 that reportedly caused excessive noise which in turn disrupted the normal operations of their immediate coworkers.

As a result, Mr. Hearing was abruptly summoned on January 14, 2023, to a disciplinary panel to be held on January 15, 2023, where two disciplinary charges were proffered against him. After considering the evidence, the panel recommended that Mr. Hearing receive a written reprimand, accompanied by a statement advising that, “...continued infractions of a similar nature may result in dismissal.”

The Head of the Entity accepted the panel’s recommendations in full and issued a decision consistent with those recommendations.

Despite this outcome, Mr. Hearing continued to get into verbal spats, he openly resisted guidance and corrective measures arising from the disciplinary process, his continued verbal spats disrupted the Ministry’s ability to carry out its statutory responsibilities.

As a result of this continued behaviour, Mr Hearing was issued a letter dated May 29, 2023, advising that his employment was terminated, effective June 10, 2023.

Question

If Mr. Hearing were to appeal both the decision to reprimand and dismiss him, what could be the grounds that he could rely upon?