

The Seven Tests of Just Cause

Just Cause is the most powerful protection against job loss because of discipline, and one of the benefits of being a union nurse. Just Cause means did an employer have a legitimate and fair reason for disciplining an employee.

Further, just cause is one of the main protections that differentiates Union nurses from *at-will (non-Union)* nurses, who can be terminated or disciplined for almost any reason. All INA collective bargaining collective bargaining agreements have Just Cause provisions included. There are seven (7) tests to determine if an employer has disciplined or terminated an employee for just cause. The Seven Tests of Just Cause are:

- **Notice:** The employer has to give the employee an adequate warning that the consequences of his/her conduct would result in discipline. *Ex.: Dan was terminated for violating Company A's no solicitation policy for selling candy in the lunch room on break. Was Dan aware or put on notice of the policy?*
- **Reasonable Rule:** The employer's rule has to be reasonably related to orderly, efficient, and/or safe business operations. *Ex.: Was the no solicitation policy reasonably related to orderly and efficient business operations?*
- **Investigation:** The employer has to conduct an investigation before issuing a discipline. *Ex: Did Dan's supervisor terminate Dan because he heard Dan was selling candy in the lunch room on break, or did the supervisor actually investigate the situation?*
- **Fair Investigation:** The employer's investigation has to be fair, objective, and unbiased. *Ex: Did Dan's supervisor interview witnesses that actually witnessed Dan selling the candy in the lunch room?*
- **Substantial Proof:** The employer has to provide substantial evidence to support their case for discipline. *Ex.: Did Dan's supervisor provide proof through witnesses, evidence, and statements that Dan violated the no solicitation policy?*
- **Evenhandedness:** The employer has to apply its rules, policies, and discipline evenly amongst all employees and without discrimination. *Ex. Did other employees violate the no-solicitation rule? Were they disciplined?*
- **Severity of Discipline:** The severity of the discipline has to match the severity of the employee's conduct. *Ex.: Was termination appropriate discipline for Dan violating the no solicitation policy by selling candy in the cafeteria?*