

Ask a lawyer: Can HR fire an employee for bad body odour?

by [Emily Douglas](#)
28 Mar 2018



Working alongside a foul-smelling colleague is not an ideal situation for any of us. However, when does bad hygiene turn into something more sinister? And what rights do employers have when it comes to disciplining an employee over smell?

We spoke to Shana French, lawyer at Sherrard Kuzz LLP, who gave us her take on the sensitive issue.

“From the employer’s perspective, personal hygiene is potentially a workplace health and safety risk,” she told us. “If an employee has bad personal hygiene, it can also end up taking a toll on the company culture and morale.

“Say, for example, there is an employee with poor personal hygiene working in a food processing facility. Then, it’s not only a risk to employee morale, but it’s also public health hazard, and could go some way in damaging the employer’s reputation.”

French went on to reference a case last year, in British Columbia, concerning an employee worked in a food packaging facility.

“There were complaints about him with respect to his poor hygiene,” she continued. “He would spit on the warehouse floor, he blew on products that were to be packaged, he had very strong and offensive body odor and he repeatedly passed gas amongst his co-workers.”

French told us that the employers dealt with this through the corrective action policy. They approached the employee in question and offered counselling and coaching, before moving into corrective action. All the while this is going on, the employers were careful to ask the employee if he suffered from any medical conditions that could impact his smell. Whilst his hygiene eventually improved, the employee still had poor performance and so, during his probationary period, he was fired.

“The employee claimed that he was fired because of his bad body odor, which was caused by a medical condition,” added French. “However, the employee did not disclose his medical ailment to his employer, despite the organization giving him repeated opportunities to do so. From the Human Rights Tribunal’s perspective, the decision to terminate was upheld as being unrelated to the protective ground, because the employee had separate performance issues.”

This case sheds light on two important [employment law](#) considerations. Firstly, an employer can take a corrective action in regards to offensive body odour – but it’s essential for them to enquire whether there’s an underlying medical condition that could be impacting this.

“Secondly,” French tells us, “employers really need to be sensitive to potential cultural connections. I’ve had one company deal with an issue where employees used the phrase ‘smelled like curry’ in reaction to what the worker was eating. Making the connection between an employee’s background and what they might be eating might be potentially problematic for an employer, and shouldn’t be condoned.”

When she’s talking to employers about how to approach the situation, French explained that she always informs employers they are allowed to deal with body odor – they

don't have to turn a blind eye to it. She recommends having personal hygiene as part of your dress code policy or code of conduct – make it a part of the employee's expectation of having to be professional in the workplace.

“Respect the worker's dignity,” warned French. “Ensure that you're dealing with things in private and you're not allowing the employee to be harassed because of the situation or ill-considered attempts by management or co-workers to address the issue.”

Disciplining a worker for smelling badly is one thing – but how do you ask an employee to dress more professionally? [Well, it doesn't have to be as awkward as you might think – find out more here.](#)