

Index

ACCOMMODATION, DUTY OF

- Direct and adverse effect discrimination, **2:70**
- Duty on union and grievor, **2:81**
- Remedies arising
 - creating a new position, **2:76**
 - modifying employee's job, **2:73**
 - modifying positions, **2:75**
 - offering alternative position, **2:74**
 - other forms of accommodation, **2:78**
 - retraining and probationary employment, **2:77**
- Undue hardship, **2:82**

ADDICTIONS

- Arbital response
- admissibility of post-discharge evidence of rehabilitation
 - post-Cartier developments, **2:66**
 - the Cartier decision, **2:65**
- application of human rights law, **2:63**
- last-chance agreements, **2:67**
- remedial orders addressing addiction issue, **2:68**

AGGRAVATED DAMAGES

- Canada Labour Code, **5:18**
- Human rights, **6:6**
- Labour arbitration, **2:7**
- Wrongful dismissal, **4:16**

APOLOGY

- Canada Labour Code, **5:21**
- Human rights, **6:12**

BENEFITS, COLLATERAL

- Labour arbitration
- disability, sick leave, and Workers' Compensation benefits, **2:18**
- Employment Insurance benefits, **2:17**
- income tax, **2:16**
- Wrongful dismissal
 - disability benefits, **4:45**
 - Employment Insurance, **4:43**
 - gratuitous payments, **4:48**
 - pension benefits, **4:46**

BENEFITS, COLLATERAL—Cont'd

- Wrongful dismissal—Cont'd
 - statutory severance pay, **4:47**
 - Workers' Compensation, **4:44**

BENEFITS, LOSS OF

- Canada Labour Code, **5:11**
- Human rights, **6:8**
- Labour arbitration, **2:12**
- Labour Relations Board, **3:7**
- Wrongful dismissal
 - automobile allowance, **4:28**
 - business and athletic club fees, **4:31**
 - Canada Pension Plan contributions, **4:26**
 - cellular telephone, **4:29**
 - director's fees, **4:35**
 - Employment Insurance premiums, **4:25**
 - expense account, meals and clothing, **4:33**
 - insurance benefits - life, disability, medical and dental, **4:24**
 - pension, **4:37**
 - price discount on merchandise, **4:30**
 - professional dues and conference fees, **4:32**
 - residential accommodation, **4:36**
 - RRSP Contributions, **4:38**
 - stock options, **4:34**
 - Workers' Compensation contributions, **4:27**

BONUSES, PROFIT SHARING PLANS AND OTHER INCENTIVE PROGRAMS

- Wrongful dismissal
 - contractual conditions precedent
 - contractual forfeiture, **4:12**
 - resignation, **4:10**
 - termination, **4:11**
 - entitlement, **4:9**
 - quantum, **4:13, 4:14**

CANADA LABOUR CODE

- Access to remedial regime under Part III, **5:6**

CANADA LABOUR CODE—Cont'd
Amending the employment record, 5:19
Apology, 5:21
Benefits, loss of, 5:11
Compensation and general damages
damages, 5:7
deductions from award, 5:8
mitigation, 5:9
Concurrent remedies, 5:5
Costs, 5:23
Employment Insurance, 5:13
Income tax, 5:14
Interest, 5:16
Letter of reference, 5:20
Mental distress, 5:17
Miscellaneous remedies, 5:22
Punitive and aggravated damages, 5:18
Reinstatement, 5:10
Relocation expenses, 5:15
Remediation, purpose, 5:2
Remediation, scope, 5:3
Settlement and release of complaint, 5:4
Vacation pay, 5:12
CANADIAN CHARTER OF RIGHTS
AND FREEDOMS
Canada Labour Code, 5:3
Labour arbitration, 2:34
Labour Relations Board, 3:16
COLLECTIVE AGREEMENT
Declaration of invalidity of provisions, 2:36
Rectification
exercise of relief, 2:29
imposition of first collective agreement, 3:40
power of rectification, 2:28
unfair labour practices during collective bargaining
direction to abandon a bargaining position, 3:35
direction to bargain in good faith, 3:33
direction to execute the collective agreement, 3:38
direction to table a complete proposal, 3:36
direction to table specific collective bargaining agreement terms, 3:37
other orders, 3:39

COLLECTIVE AGREEMENT—Cont'd
Rectification—Cont'd
unfair labour practices during collective bargaining—Cont'd
specific directions to bargain, 3:34
COSTS
Canada Labour Code, 5:23
Human rights, 6:10
Labour arbitration, 2:33
Labour Relations Board, 3:12
bargaining in bad faith
general damages, 3:43
loss of opportunity to bargain, 3:42
Wrongful dismissal
abuse of process, 4:67
insensitive conduct by employer, 4:68
late withdrawal of allegation of cause, 4:66
unfounded allegations of cause, 4:65, 4:68
DAMAGES
Canada Labour Code, 5:7
deductions from award, 5:8
mitigation, 5:9
Human rights
benefits, loss of, 6:8
costs, 6:10
general principles, 6:3
interest, 6:7
lost wages and mitigation, 6:4
mental anguish and injury to dignity and self-respect, 6:5
punitive, aggravated and exemplary damages, 6:6
Labour arbitration
benefits, loss of, 2:12
general principles, 2:6
income tax ramifications and collateral benefits
disability, sick leave and Workers' Compensation benefits, 2:18
Employment Insurance benefits, 2:17
income tax, 2:16
interest, 2:10
mental distress and aggravated damages, 2:7
mitigation
application of the principle, 2:20
expenses incurred in mitigation, 2:21

DAMAGES—Cont'd

- Labour arbitration—Cont'd
 - mitigation—Cont'd
 - general, 2:19
 - policy grievance, 2:11
 - punitive damages, 2:8
 - reputation, damage to, 2:9
 - temporal limits to damage claims, 2:23
 - union, damages to, 2:22
 - vacation pay, 2:13
- Labour Relations Board
 - costs, 3:12
 - general principles, 3:5
 - general types, 3:6
 - interest, 3:11
 - make-whole orders, 3:9
 - mental distress and damages to employee's dignity, 3:10
 - mitigation, 3:8
 - personal liability for damages, 3:14
 - reduction in damages, 3:13
 - wages and benefits, 3:7
- Occupational health and safety legislation
 - damages under, 2:39.50
- Privacy Rights
 - damages for breach of, 2:39
- Wrongful dismissal
 - aggravated, 4:16
 - benefits and pension, loss of
 - automobile allowance, 4:28
 - business and athletic club fees, 4:31
 - Canada Pension Plan contributions, 4:26
 - cellular telephone, 4:29
 - director's fees, 4:35
 - Employment Insurance premiums, 4:25
 - expense account, meals and clothing, 4:33
 - insurance benefits, 4:24
 - pension, 4:37
 - price discount on merchandise, 4:30
 - professional dues and conference fees, 4:32
 - residential accommodation, 4:36
 - RRSP Contributions, 4:38
 - stock options, 4:34
 - Workers' Compensation contributions, 4:27

DAMAGES—Cont'd

- Wrongful dismissal—Cont'd
 - bonuses, profit sharing plans, and other incentive programs
 - contractual conditions precedent
 - contractual forfeiture, 4:12
 - resignation, 4:10
 - termination, 4:11
 - entitlement, 4:9
 - quantum, 4:13
 - collateral benefits
 - disability benefits, 4:45
 - Employment Insurance, 4:43
 - gratuitous payment, 4:48
 - pension benefits, 4:46
 - statutory severance pay, 4:47
 - Workers' Compensation, 4:44
 - commission, 4:14
 - costs
 - abuse of process, 4:67
 - insensitive conduct by employer, 4:68
 - late withdrawal of allegation of cause, 4:66
 - unfounded allegation of cause, 4:65
 - general damages, 4:3
 - interest
 - judicial discretion to vary pre-judgment interest, 4:63
 - when pre-judgment interest starts to run
 - incremental, 4:62
 - lump sum, 4:61
 - mitigation
 - burden of proof, 4:51
 - circumstances limiting recovery of mitigation expenses, 4:57
 - replacement income in excess of pre-dismissal income, 4:58
 - types of recoverable expenses
 - capital losses, gains and income from a business, 4:55
 - career training/educational upgrading, 4:56
 - job search expenses, 4:53
 - setting up a business, 4:54
 - moving expenses and capital loss on sale of home, 4:40
 - overtime and shift premiums, 4:15
 - punitive, 4:17

DAMAGES—Cont'd

Wrongful dismissal—Cont'd
 reputation, loss of
 erosion of general rule, 4:21
 general rule, 4:19
 independent cause of action, 4:22
 loss of opportunity to enhance, 4:20
 vacation pay, 4:41

DECLARATORY RELIEF

Labour arbitration, 2:24
 Labour Relations Board, 3:3

DISABILITY BENEFITS

Labour arbitration, 2:18
 Wrongful dismissal, 4:45

**DISCIPLINE AND DISCHARGE,
 LABOUR ARBITRATION**

Jurisdiction to review disciplinary provisions, 2:40

Reinstatement

 human rights considerations, 2:57
 interim reinstatement, 2:58
 refusal to reinstate, 2:56
 reinstatement to specific position, 2:59
 reinstatement without compensation, 2:55

 right to reinstatement, 2:54

Remedies for delay in processing grievance, 2:60

Substitution of a lesser penalty
 mitigating factors

 employer conduct, 2:49
 failure of employer to uniformly enforce its rules, 2:48
 grievor's prior good work record, 2:42

 isolated incident, 2:44

 lack of intent, 2:47

 long service record of the grievor, 2:43

 personal circumstances of the grievor, 2:42 to 2:50

 premeditation, 2:46

 provocation, 2:45

onus, 2:51

specified penalty for misconduct in collective agreement, 2:52

DISCRIMINATION

Harassment and sexual harassment remedies, 2:85

DISCRIMINATION—Cont'd

Human rights, 6:1 to 6:16
 Remedies in other cases of discrimination, 2:87

EMPLOYEES, REMEDIES AGAINST

Generally, 2:31

**EMPLOYMENT INSURANCE
 BENEFITS**

Canada Labour Code, 5:13
 Labour arbitration, 2:17
 Wrongful dismissal, 4:43

ENFORCEMENT

Labour arbitration board orders
 general, 2:108
 injunctions and similar relief, 2:109
 reinstatement and compliance, 2:110
 sequestration and contempt, 2:111
 Labour Relations Board orders
 by a board of its own orders, 3:68
 filing orders with the courts, 3:66
 prosecution, 3:67

EQUITABLE ESTOPPEL

Generally, 2:35

FAIR REPRESENTATION, LACK OF

During collective bargaining, 3:64

Processing grievances
 compensation, 3:62
 general principles, 3:60
 independent legal counsel, 3:61
 other, 3:63

**HARASSMENT AND SEXUAL
 HARASSMENT REMEDIES**

Generally, 2:85

HUMAN RIGHTS

Costs, 2:38, 6:10

Damages

 benefits, loss of, 6:8
 duty to accommodate, 2:79
 general principles, 2:38, 6:3
 interest, 6:7
 lost wages and mitigation, 6:4
 mental anguish and injury to dignity and self-respect, 6:5
 punitive, aggravated and exemplary damages, 6:6

Non-monetary remedies

 apologies, 6:12

HUMAN RIGHTS—Cont'd

Non-monetary remedies—Cont'd
 cease and desist orders, 6:14
 education and training programs, 6:13
 other remedies, 6:16
 reinstatement, 6:11
 systemic remedies, 6:15
 Remedial orders, purpose, 6:2
 Remedial orders, source of remedial authority, 6:1

INCOME TAX

Canada Labour Code, 5:14
 Labour arbitration, 2:16

IN-KIND REMEDIES

Labour arbitration
 other cases, 2:27
 overtime opportunities, 2:26

INTEREST

Canada Labour Code, 5:16
 Human rights, 6:7
 Labour arbitration, 2:10
 Labour Relations Board, 3:11
 Wrongful dismissal
 judicial discretion to vary, 4:63
 pre-judgment interest
 incremental, 4:62
 lump sum, 4:61

JURISDICTION

Canada Labour Code, 5:3, 5:5, 5:6
 Human rights, 6:1, 6:2
 Labour arbitration, 2:4, 2:40

JURISDICTION, RESERVATION OF

Labour arbitration
 broad jurisdiction, 2:103
 filing appeals and orders, 2:106
 functus officio, 2:101
 general, 2:100
 interest arbitrators, 2:107
 narrow jurisdiction, 2:102
 new panels, 2:105
 settlements, 2:104

LABOUR ARBITRATION

Arbital response to employees with addictions
 admissibility of post-discharge evidence of rehabilitation
 post-Cartier developments, 2:66

LABOUR ARBITRATION—Cont'd

Arbital response to employees with addictions—Cont'd
 admissibility of post-discharge evidence of rehabilitation—Cont'd
 the Cartier decision, 2:65
 application of human rights law, 2:63
 last-chance agreements, 2:67
 remedial orders addressing addiction issues, 2:68
 Discipline and discharge
 jurisdiction to review disciplinary provisions, 2:40
 reinstatement
 human rights considerations, 2:57
 interim reinstatement, 2:58
 refusal to reinstate, 2:56
 reinstatement to specific position, 2:59
 reinstatement without compensation, 2:55
 right to reinstatement, 2:54
 remedies for delay in processing grievance, 2:60
 substitution of lesser penalty
 mitigating factors
 employer conduct, 2:49
 failure of employer to uniformly enforce its rules, 2:48
 grievor's prior good work record, 2:42
 isolated incident, 2:44
 lack of intent, 2:47
 long service of the grievor, 2:43
 personal circumstances of the grievor, 2:42 to 2:50
 premeditation, 2:46
 provocation, 2:45
 onus, 2:51
 specified penalty for misconduct in collective agreement, 2:52
 Duty of accommodation
 conclusion, 2:83
 direct and adverse effect discrimination, 2:70
 duty on union and grievor, 2:81
 examples of undue hardship, 2:82
 remedies arising from duty of accommodation
 creating a new position, 2:76
 modifying employee's job, 2:73

LABOUR ARBITRATION—Cont'd

Duty of accommodation—Cont'd
 remedies arising from duty of accommodation—Cont'd
 modifying positions, 2:75
 offering alternative position, 2:74
 other forms of accommodation, 2:78
 retraining and probationary employment, 2:77
 Enforcement of arbitration board orders
 declaration of invalidity of collective agreement provisions, 2:36
 declaratory relief, 2:24
 equitable estoppel, 2:35
 general, 2:108
 harassment and sexual harassment remedies, 2:85
 improper lay-off, 2:61
 improper promotions
 factual distinctions, 2:99
 nature of promotion clause
 hybrid, 2:98
 relatively equal, 2:97
 sufficient ability, 2:96
 test of review of selection, 2:94
 injunctions and similar relief, 2:109
 in-kind remedies
 other cases, 2:27
 overtime opportunities, 2:26
 interim relief, 2:5
 purpose, 2:3
 reassignment of bargaining unit work
 improper contracting out, 2:92
 out of scope workers, 2:91
 rectification of collective agreement
 exercise of relief, 2:29
 power of rectification, 2:28
 reinstatement without compensation, 2:55
 reinstatement and compliance, 2:110
 remedial orders
 apologies, 2:37
 Canadian Charter of Rights and Freedoms, 2:34
 compliance orders, 2:30
 costs, 2:33
 damages
 application of the principle, 2:20
 benefits, loss of, 2:12
 damages in policy grievance, 2:11

LABOUR ARBITRATION—Cont'd

Enforcement of arbitration board orders—Cont'd
 remedial orders—Cont'd
 damages—Cont'd
 damages to the union, 2:22
 damage to reputation, 2:9
 expenses incurred in mitigation, 2:21
 general, 2:19
 general principles, 2:6
 income tax ramifications and collateral benefits
 disability, sick leave and Workers Compensation benefits, 2:18
 Employment Insurance benefits, 2:17
 income tax, 2:16
 interest, 2:10
 mental distress and aggravated damages, 2:7
 punitive damages, 2:8
 temporal limits to damage claims, 2:23
 vacation pay, 2:13
 remedies against individual employees and unions
 against employees, 2:31
 against unions, 2:32
 scope, 2:2
 sequestration and contempt, 2:111
 source of remedial authority, 2:4
 Remedies in other cases of discrimination, 2:87
 Reservation of jurisdiction
 broad jurisdiction, 2:103
 filing appeals and orders, 2:106
 functus officio, 2:101
 general, 2:100
 interest arbitrators, 2:107
 narrow jurisdiction, 2:102
 new panels, 2:105
 settlements, 2:104
 Standard for review of remedies by the courts, 2:112
 Union, failure to consult with, 2:89
 Union discrimination, 2:86
 Union representation rights, breach of, 2:88

LABOUR RELATIONS BOARD

Enforcement of Labour Relations Board orders
 by a Board of its own orders, **3:68**
 filing orders with the courts, **3:66**
 introduction, **3:65**
 prosecution, **3:67**
 Fair representation, lack of
 during collective bargaining, **3:64**
 processing grievances
 compensation, **3:62**
 general principles, **3:60**
 independent legal counsel, **3:61**
 other, **3:63**
 Remedial orders
 Canadian Charter of Rights and Freedoms, **3:16**
 compliance/cease and desist orders, **3:4**
 damages
 costs, **3:12**
 general principles, **3:5**
 general types, **3:6**
 interest, **3:11**
 make-whole orders, **3:9**
 mental distress and damages to employee's dignity, **3:10**
 mitigation, **3:8**
 personal liability for damages, **3:14**
 reduction in damages, **3:13**
 wages and benefits, **3:7**
 declaratory orders, **3:3**
 interim relief, **3:2**
 reinstatement, **3:15**
 Standard of review of remedial orders, **3:69**
 Statutory freezes, violation of
 cease and desist orders, **3:48**
 general principles, **3:46**
 other remedies, **3:50**
 reinstatement and damages, **3:49**
 wage and benefit increases, **3:47**
 Strikes, picketing and lockouts
 labour boards, **3:53**
 the courts, **3:52**
 Trade union unfair labour practices
 breach of the duty of fair referral, **3:56**
 duty to bargain in good faith, **3:57**
 improper conduct during certification, **3:58**
 improper discipline of members, **3:55**

LABOUR RELATIONS BOARD

—Cont'd
 Unfair labour practices
 during collective bargaining
 bargaining orders
 direction to abandon a bargaining position, **3:35**
 direction to bargain in good faith, **3:33**
 direction to execute the collective agreement, **3:38**
 direction to table a complete proposal, **3:36**
 direction to table specific collective agreement terms, **3:37**
 other orders, **3:39**
 specific directions to bargain, **3:34**
 damages/costs for bargaining in bad faith
 general damages for bargaining in bad faith, **3:43**
 loss of opportunity to bargain, **3:42**
 declaration/cease and desist orders, **3:30**
 imposition of a first collective agreement, **3:40**
 posting of notices/access to premises, **3:31**
 during union-organizing campaigns
 cease and desist orders, **3:20**
 certification without a vote, **3:22**
 compensation
 costs and expenses, **3:26**
 employee damage awards, **3:24**
 union damage awards, **3:25**
 other orders, **3:28**
 posting of notices/access to premises, **3:21**
 reinstatement, **3:27**
 general principles, **3:18**
 other unfair labour practices, **3:45**
 plant shutdown/relocation, **3:44**
LAY-OFF, IMPROPER
 Generally, **2:61**
MENTAL DISTRESS
 Canada Labour Code, **5:17**
 Human rights, **6:5**
 Labour arbitration, **2:7**
 Labour Relations Board, **3:10**

MENTAL DISTRESS—Cont'd	
Wrongful dismissal, 4:16	
MITIGATION	
Canada Labour Code, 5:9	
Human rights	
lost wages and mitigation, 6:4	
Labour arbitration	
application of the principle, 2:20	
discipline and discharge	
substitution of lesser penalty, 2:49	
mitigating factors	
employer conduct, 2:49	
failure of employer to uniformly enforce its rules, 2:48	
grievor's long service, 2:43	
grievor's prior good work record, 2:42	
isolated incident, 2:44	
lack of intent, 2:47	
personal circumstances of the grievor, 2:42 to 2:50	
premeditation, 2:46	
provocation, 2:45	
expenses incurred in mitigation, 2:21	
general, 2:19	
Labour Relations Board, 3:8	
Wrongful dismissal	
burden of proof, 4:51	
circumstances limiting recovery, 4:57	
replacement income in excess of pre-dismissal income, 4:58	
types of recoverable expenses	
capital losses, gains and income from a business, 4:55	
career training/education upgrading, 4:56	
job search expenses, 4:53	
setting up a business, 4:54	
OCCUPATIONAL HEALTH AND SAFETY LEGISLATION	
Damages under, 2:39.50	
PRIVACY RIGHTS	
Damages for breach of, 2:39	
PROMOTIONS, IMPROPER	
Factual distinctions, 2:99	
Nature of promotion clause	
hybrid, 2:98	
relatively equal, 2:97	

PROMOTIONS, IMPROPER—Cont'd	
Nature of promotion clause—Cont'd	
sufficient ability, 2:96	
Test of review of selection, 2:94	
PUNITIVE AND AGGRAVATED DAMAGES	
Canada Labour Code, 5:18	
Human rights, 6:6	
Labour arbitration, 2:8	
Wrongful dismissal, 4:17	
REASSIGNMENT OF BARGAINING UNIT WORK	
Improper contracting out, 2:92	
Out of scope workers, 2:91	
REINSTATEMENT	
Canada Labour Code, 5:10	
Human rights, 6:11	
Labour arbitration	
human rights considerations, 2:57	
interim reinstatement, 2:58	
refusal to reinstate, 2:56	
reinstatement to specific position, 2:59	
reinstatement without compensation, 2:55	
right to reinstatement, 2:54	
Labour Relations Board, 3:15, 3:27	
Wrongful dismissal, 4:2	
REMEDIAL ORDERS	
Apologies, 2:37	
Canada Labour Code	
access to, 5:6	
apology, 5:21	
benefits, loss of, 5:11	
compensation and general damages, 5:7	
concurrent remedies, 5:5	
costs, 5:23	
deductions from award, 5:8	
Employment Insurance, 5:13	
employment record, amending, 5:19	
income tax, 5:14	
interest, 5:16	
mental distress, 5:17	
miscellaneous, 5:22	
mitigation, 5:9	
punitive and aggravated damages, 5:18	
purpose, 5:2	
reference letter, 5:20	

REMEDIAL ORDERS—Cont'd

Canada Labour Code—Cont'd
 reinstatement, **5:10**
 relocation expenses, **5:15**
 scope, **5:3**
 settlement and release of complaint, **5:4**
 vacation pay, **5:12**

Human rights
 costs, **6:10**
 damages
 benefits, loss of, **6:8**
 general purposes, **6:3**
 interest, **6:7**
 lost wages and mitigation, **6:4**
 mental anguish and injury to dignity
 and self-respect, **6:5**
 punitive, aggravated and exemplary,
 6:6
 non-monetary remedies
 apologies, **6:12**
 cease and desist orders, **6:14**
 education and training programs,
 6:13
 reinstatement, **6:11**
 systemic remedies, **6:15**
 other remedies, **6:16**
 purpose of remedial orders, **6:2**
 source of remedial authority, **6:1**

Labour arbitration
 purpose, **2:3**
 scope, **2:2**
 source of remedial authority, **2:4**
 types
 Canadian Charter of Rights and
 Freedoms, **2:34**
 compliance orders, **2:30**
 costs, **2:33**
 damages
 benefits, loss of, **2:12**
 general principles, **2:6**
 income tax ramifications and col-
 lateral benefits
 disability, sick leave and Work-
 ers' Compensation
 benefits, **2:18**
 Employment Insurance benefits,
 2:17
 income tax, **2:16**
 interest, **2:10**
 mental distress and aggravated
 damages, **2:7**

REMEDIAL ORDERS—Cont'd

Labour arbitration—Cont'd
 types—Cont'd
 damages—Cont'd
 mitigation, **2:19 to 2:21**
 policy grievance, damage in, **2:11**
 punitive damages, **2:8**
 reputation, damage to, **2:9**
 temporal limits to damage claims,
 2:23
 union, damages to, **2:22**
 vacation pay, **2:13**
 declaration of invalidity of collective
 agreement provisions, **2:36**
 declaratory relief, **2:24**
 equitable estoppel, **2:35**
 in-kind remedies
 other cases, **2:27**
 overtime opportunities, **2:26**
 interim relief, **2:5**
 rectification of collective agreement
 exercise of relief, **2:29**
 power of rectification, **2:28**
 remedies against individual employ-
 ees and unions
 employees, **2:31**
 unions, **2:32**
 Labour Relations Board
 standard of review, **3:69**
 types
 Canadian Charter of Rights and
 Freedoms, **3:16**
 compliance/cease and desist orders,
 3:4
 damages
 costs, **3:12**
 general principles, **3:5**
 general types, **3:6**
 interest, **3:11**
 make whole orders, **3:9**
 mental distress and damages to
 employee's dignity, **3:10**
 mitigation, **3:8**
 personal liability for damages,
 3:14
 reduction in damages, **3:13**
 wages and benefits, **3:7**
 declaratory orders, **3:3**
 interim relief, **3:2**
 reinstatement, **3:15**

REPUTATION, DAMAGE TO	
Labour arbitration, 2:9	
Wrongful dismissal	
erosion of general rule, 4:21	
general rule, 4:19	
independent cause of action, 4:22	
loss of opportunity to enhance reputation, 4:20	
SEXUAL HARASSMENT REMEDIES	
Generally, 2:85	
STANDARD OF REVIEW	
Labour arbitration, 2:112	
Labour Relations Board, 3:69	
STATUTORY FREEZE, VIOLATION OF	
Cease and desist orders, 3:48	
General principles, 3:46	
Other remedies, 3:50	
Reinstatement and damages, 3:49	
Wage and benefit increases, 3:47	
STRIKES, PICKETING AND LOCK-OUTS	
Courts, 3:52	
Labour boards, 3:53	
UNFAIR LABOUR PRACTICES	
During collective bargaining	
bargaining orders	
direction to abandon a bargaining position, 3:35	
direction to bargain in good faith, 3:33	
direction to execute the collective agreement, 3:38	
direction to table a complete proposal, 3:36	
direction to table specific collective agreement terms, 3:37	
other orders, 3:39	
specific directions to bargain, 3:34	
damages/costs for bargaining in bad faith	
general damages, 3:43	
loss of opportunity to bargain, 3:42	
declaration/cease and desist orders, 3:30	
imposition of first collective agreement, 3:40	

UNFAIR LABOUR PRACTICES	
—Cont'd	
During collective bargaining—Cont'd	
posting of notices/access to premises, 3:31	
During union-organizing campaigns	
cease and desist orders, 3:20	
certification without a vote, 3:22	
compensation	
costs and expenses, 3:26	
employee damage awards, 3:24	
union damage awards, 3:25	
other orders, 3:28	
posting of notices/access to premises, 3:21	
reinstatement, 3:27	
General principles, 3:18	
Other unfair labour practices, 3:45	
Plant shutdown/relocation, 3:44	
UNFAIR LABOUR PRACTICES, TRADE UNIONS	
Breach of duty of fair referral, 3:56	
Duty to bargain in good faith, 3:57	
Improper conduct during certification, 3:58	
Improper discipline of members, 3:55	
UNION REPRESENTATION RIGHTS, BREACH OF	
Generally, 2:88	
UNIONS, DISCRIMINATION	
Generally, 2:86	
UNIONS, FAILURE TO CONSULT WITH	
Generally, 2:89	
UNIONS, REMEDIES AGAINST	
Generally, 2:32, 6:16	
UNJUST DISMISSAL	
Canada Labour Code	
access to remedial regime under Part III, 5:6	
amending the employment record, 5:19	
apology, 5:21	
benefits, loss of, 5:11	
compensation and general damages	
damages, 5:7	
deductions from award, 5:8	
mitigation, 5:9	

UNJUST DISMISSAL—Cont'd	
Canada Labour Code—Cont'd	
concurrent remedies, 5:5	
costs, 5:23	
Employment Insurance, 5:13	
income tax, 5:14	
interest, 5:16	
letter of reference, 5:20	
mental distress, 5:17	
miscellaneous remedies, 5:22	
punitive and aggravated damages, 5:18	
reinstatement, 5:10	
relocation expenses, 5:15	
remediation, purpose, 5:2	
remediation, scope, 5:3	
settlement and release of complaint, 5:4	
vacation pay, 5:12	
VACATION PAY	
Canada Labour code, 5:12	
Labour arbitration, 2:13	
Wrongful dismissal, 4:41	
WORKERS' COMPENSATION	
Labour arbitration, 2:18	
Wrongful dismissal, 4:44	
WRONGFUL DISMISSAL	
Aggravated damages, 4:16	
Benefits and pension, loss of	
automobile allowance, 4:28	
business and athletic club fees, 4:31	
Canada Pension Plan contributions, 4:26	
cellular telephone, 4:29	
director's fees, 4:35	
Employment Insurance premiums, 4:25	
expense account, meals and clothing, 4:33	
insurance benefits - life, disability, medical and dental, 4:24	
pension, 4:37	
price discount on merchandise, 4:30	
professional dues and conference fees, 4:32	
residential accommodation, 4:36	
RRSP Contributions, 4:38	
stock options, 4:34	
Workers' Compensation contributions, 4:27	
Collateral benefits	
disability benefits, 4:45	

WRONGFUL DISMISSAL—Cont'd	
Collateral benefits—Cont'd	
Employment Insurance, 4:43	
gratuitous payment, 4:48	
pension benefits, 4:46	
statutory severance pay, 4:47	
Worker's Compensation, 4:44	
Costs	
abuse of process, 4:67	
insensitive conduct by employer, 4:68	
late withdrawal of allegation of cause, 4:66	
unfounded allegations of cause, 4:65	
Damages	
aggravated, 4:16	
bonuses, profit sharing plans, and other incentive programs	
commission, 4:14	
contractual conditions precedent	
contractual forfeiture, 4:12	
resignation, 4:10	
termination, 4:11	
entitlement to damages, 4:9	
general damages, 4:3	
overtime and shift premiums, 4:15	
quantum, 4:13	
general principles, 4:1	
interest	
judicial discretion to vary pre-judgment interest, 4:63	
pre-judgment interest	
incremental, 4:62	
lump sum, 4:61	
mitigation	
burden of proof, 4:51	
circumstances limiting recovery of mitigation expenses, 4:57	
replacement income in excess of pre-dismissal income, 4:58	
types of recoverable expenses	
capital losses, gains and income from a business, 4:55	
career training/educational upgrading, 4:56	
job search expenses, 4:53	
setting up a business, 4:54	
moving expenses and capital loss of sale of house, 4:40	
punitive damages, 4:17	
reinstatement, 4:2	

WRONGFUL DISMISSAL—Cont'd

Damages—Cont'd
reputation, loss of
erosion of the general rule, **4:21**
general rule, **4:19**
independent cause of action, **4:22**
loss of opportunity to enhance reputation, **4:20**

WRONGFUL DISMISSAL—Cont'd

Damages—Cont'd
unusual remedies, **4:70**
vacation pay, **4:41**
Just cause under Common Law vs.
employment standards legislation,
4:8.50