

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

Arbitral 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 pro-
 posal, **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 dam-
 ages, **2:7**
 mitigation
 application of the principle, **2:20**
 expenses incurred in mitigation, **2:21**

INDEX

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**

INDEX

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

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

LABOUR ARBITRATION—Cont'd

- Arbitral 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,

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 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**

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 employees 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**

INDEX

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-judg-
ment 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**