

Publisher's Note

An Update has Arrived in Your Library for:

Please circulate this notice to anyone in your office who may be interested in this publication. <i>Distribution List</i>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

JUST CAUSE The Law of Summary Dismissal in Canada Mr. Justice Randall Scott Echlin and Matthew L.O. Certosimo Release No. 1, December 2024

Turn to *Just Cause: The Law of Summary Dismissal in Canada* when you need to assess whether marginal behaviour merits the severity of the impact of alleging just cause. This resource sets out the principles and legal concepts within each head of cause, the relevant case law, and bullet-point summaries of factors considered by most courts.

What's New in this Update:

This release features updates to the case law and commentary in Chapters 2 (Just Cause), 5 (The Probationary Employee), 6 (Principles and Proving Cause), 8 (After-Acquired Cause), 10 (Dishonesty), 11 (Theft and Fraud), 12 (Conflict of Interest), 13 (Misconduct), 15 (Incompetence), 16 (Disobedience), 17 (Insubordination and Insolence) and 20 (Practice and Conclusions).

THOMSON REUTERS®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

E-mail CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Highlights:

GENERAL PRINCIPLES—JUST CAUSE—RELEVANT CONSIDERATIONS—“JUST CAUSE” AND THE CHARACTER OF EMPLOYMENT—In *Breen v. Foremost Industries Ltd.*, 2023 ABKB 552 (Alta. K.B.), the fact that the plaintiff was the president and CEO, with fiduciary duties, was a significant consideration in a case involving dishonesty and conflict of interest. (This decision is also discussed at length in Section 10:9 INTRODUCTION; Section 12:16 INTRODUCTION; and Section 16:4 “WILFUL DISOBEDIENCE – WILFUL”.)

GENERAL PRINCIPLES—JUST CAUSE—RELEVANT CONSIDERATIONS—In *Ratz-Cheung v. BMO Nesbitt Burns Inc.*, 2024 ONSC 161 (Ont. S.C.J.), additional reasons 2024 CarswellOnt 6180 (Ont. S.C.J.) it was learned on discoveries that the long-service plaintiff and her husband had copied emails with confidential information to a USB key which she kept at home, but the Court did not find that this isolated lapse in judgment, though a breach of the Code of Conduct, amounted to after-acquired cause. (This decision is also discussed at length in Section 8:3 DISHONESTY, DECEPTION)

GROUND—CONFLICTS OF INTEREST—COMPETITION OR INVOLVEMENT WITH CUSTOMERS—FINANCIAL INVOLVEMENT WITH CUSTOMERS In *Dibble v. Creative Music Therapy Solutions Inc.*, 2024 BCSC 1066 (B.C. S.C.), a music therapist who was also a musician provided music entertainment services to a client of the defendant. It was determined that there was not just cause to terminate the plaintiff’s contract because the defendant’s contract was not clear in seeking to restrict its music therapists from taking any work from client facilities, as opposed to just music therapy work.