

# Publisher’s Note

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<b>WRONGFUL DISMISSAL</b> <b>David Harris, B.A., LL.B.</b> <b>Release No. 8, August 2025</b>
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This four-volume national work provides a comprehensive treatment on the law of wrongful dismissal in Canada. Coverage includes: the contract of employment and employee status; types of dismissal and the “just cause” defence; damages and the duty to mitigate; related actions including actions tort, injunctive relief, and statutory actions; employee protections under the *Canada Labour Code*, tax considerations; the impact of statutes on the assessment of damages; practical considerations; charts of notice awards; and relevant legislation and concordance tables.

## What’s New in this Update

This release includes several updates to Chapters 3 Crown Servants; Chapter 7 Damages for Mental Distress, Loss of Reputation, Punitive Damages, Aggravated Damages; Chapter 8 Duty to Mitigate; and Chapter 10 The Canada Labour Code.

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## Highlights

- **Chapter 3 — Crown Servants — Other Categories Of Crown Servants/ Office Holders — § 3:16 Military and Paramilitary Personnel** — Unlike the historical uncertainty around the status of RCMP officers (now resolved through federal labour legislation), the situation of military personnel has always been unambiguous. Members of the Canadian Forces do not have a contractual relationship with the federal Crown: *Mitchell v. R.*, [1896] 1 Q.B. 121 (Eng. Q.B.); *Canada (Attorney General) v. Jost*, 2020 CAF 212, 2020 FCA 212, 2020 CarswellNat 5318, 2020 CarswellNat 8205 (F.C.A.). They are therefore barred from bringing wrongful dismissal actions: *Gallant v. R.* (1978), 91 D.L.R. (3d) 695, 1978 CarswellNat 560 (Fed. T.D.). However, there is still some question as to whether the federal Crown may have a fiduciary duty toward military veterans, particularly those who are disabled (*Hirschfield v. Canada*, 2023 FC 900, 2023 CarswellNat 2276 (F.C.), reversed on other grounds, 2025 FCA 17, 2025 CarswellNat 144 (F.C.A.); and *Bruyea v. Canada*, 2022 FC 1409, 2022 CarswellNat 4434 (F.C.)).
- **Chapter 7 — Damages For Mental Distress, Loss of Reputation — Mental Distress/Aggravated Damages — § 7:6 Beyond *Vorvis*** — An award of aggravated damages can accordingly cover a broad range of employer misconduct in connection with an employee's termination. Mere ineptness in the employer's manner of dismissal is not sufficient to attract damages for mental distress in the employee's favour (*Harris v. Town of Hay River*, 2024 NWTSC 47, 2024 CarswellNWT 47 (N.W.T. S.C.), additional reasons 2025 NWTSC 33, 2025 CarswellNWT 26 (N.W.T. S.C.)).