Index

ABSENTEEISM AND LATENESS

Excuses or defences, § 6:30 Fault requirement, § 6:30 Federal jurisdiction. § 2:46 Intention requirement, § 6:30 Long-service employees, § 6:30 Notice of intended absence, § 6:30 Permission, onus of proving, § 6:30 Prejudice to employer's interest, § 6:30 Prompt return after leave of absence, § 6:30 Repeated offences requirement, § 6:30 Senior employees, § 6:30 Significance of misconduct, § 6:30 Time off under false pretences, § 6:30 Warnings requirement, § 6:30 Workplace culture, § 6:30

ACCORD AND SATISFACTION See SETTLEMENT

ADJUDICATION

See FEDERAL JURISDICTION EMPLOYERS; HUMAN RIGHTS LEGISLATION; LITIGATION PROCESS

AGENTS

Employment status, § 1:2 Intermediate, § 1:14

ALCOHOL ABUSE See CAUSE, intoxication and substance abuse

APPEAL

Generally, § 15:15

APPEAL ABANDONMENT Generally, § 2:67

ARBITRATION

Confidentiality, **§ 15:26** Stay pending, **§ 15:23**

AUTOMOBILE

See DAMAGES FOR WRONGFUL DIS-MISSAL

 $\ensuremath{\mathbb{C}}$ 2024 Thomson Reuters, Rel. 11, 12/2024

BENEFITS

See DAMAGES FOR WRONGFUL DIS-MISSAL

BONUSES

See DAMAGES FOR WRONGFUL DIS-MISSAL

CANADA LABOUR CODE See FEDERAL JURISDICTION EMPLOYERS

CANADA PENSION PLAN Generally, § 9:56

CAUSE

See also FEDERAL JURISDICTION EMPLOYERS, grounds for dismissal; NON-CAUSE Absenteeism see ABSENTEEISM AND LATENESS Categories of, § 6:10 to § 6:38 Commencing legal action, § 6:38 Conflict of interest generally, § 6:16 duty described, § 6:16 examples, § 6:22 involvement with companies dealing with employer, § 6:18 involvement with competitors, § 6:17 outside work, § 6:20 policy re, § 6:21 public service context, § 6:16 taking benefit, § 6:19 Consequences of, § 6:10 Corporate culture, undermining generally, § 6:33 hierarchy, disrespecting, § 6:33 personality conflicts, § 6:33 threats and intimidation by employee, § 6:33 Dishonesty see fraud and dishonesty Dishonesty during investigation of conduct, § 6:28

CAUSE—Cont'd Disobedience, wilful generally, § 6:23 examples where found, § 6:23 examples where not found, § 6:23 long-service employees, § 6:23 required elements to establish, § 6:23 Employer rules or policies, breach of generally, § 6:35 employee status, § 6:35 reasonable excuse, § 6:35 rules, requirements re, § 6:35 safety rule, § 6:35 seriousness of rule breached. § 6:35 Fiduciary duty, breach of see FIDUCIARY DUTY Fraud and dishonesty generally, § 6:27 employment context requirement, § 6:27 intention requirement, § 6:27 lying or concealing, § 6:27 onus of proof, § 6:27 reasonable explanation, § 6:27 senior employees, § 6:27 Frustration generally, § 6:37 circumstances of, § 6:37 illness or disability, § 6:31 legal doctrine of, § 6:37 Illness generally, § 6:31 disability benefits, right to, § 6:31 duration of, § 6:31 part-time work, requirement to provide, § 6:31 permanent disability, § 6:31 term employment, effect of, § 6:31 Incompetence, serious generally, § 6:36 communication of standards, § 6:36 competence, areas of, § 6:36 consequences of performance, § 6:36 cumulative assessment, § 6:36 employer contribution to, § 6:36 employer's reliance on employee's performance, § 6:36 evidentiary requirements, § 6:36 incidents of failure, § 6:36 introduction of new standards, § 6:36

CAUSE—Cont'd Incompetence, serious-Cont'd licensing exam, requirement of pass, § 6:36 opportunity to improve, requirement re, § 6:36 opportunity to learn, requirement re, § 6:36 performance relative to others. § 6:36 reasonable explanation for, § 6:36 recent positive evaluations, § 6:36 safety consequences, § 6:36 standard as term of employment, § 6:36 standard of gross or serious incompetence, § 6:36 temporary factors, § 6:36 warnings requirement, § 6:36 Individual determination of generally, § 6:3 character and context, § 6:4 context of employment, § 6:4, § 6:5 Insolence and insubordination generally, § 6:29 apology, absence of, § 6:29 contextual factors, § 6:29 deliberate challenge requirement, § 6:29 disobedience, relation to, § 6:29 gravity of, § 6:29 multiple occasions requirement, § 6:29 personality clash factor, § 6:29 provocation excuse, § 6:29 Intoxication and substance abuse generally, § 6:32 effect of, § 6:32 job function, effect on, § 6:32 mitigating circumstances, § 6:32 senior employees, § 6:32 warnings requirement, § 6:32 work record, review of, § 6:32 Lateness see ABSENTEEISM AND LATENESS Misconduct, serious generally, § 6:12 circumstances of conduct, § 6:12 court's view of conduct, § 6:12 effects on employer, § 6:12 effects on public/other employees, § 6:12 warnings requirement, § 6:12

CAUSE—Cont'd Number of incidents required, § 6:8 Onus on employer, § 6:1 Outside activity generally, § 6:34 effect on employment relationship, § 6:34 frequency of activity, § 6:34 intent of harm to employer, § 6:34 seriousness of misconduct, § 6:34 Proof requirement, § 6:1 Qualifications, fraudulent misrepresentation re, § 6:11 Reasonable excuse, § 6:6 Reason for discharge, employee's right to know, § 6:39 Revelation of character generally, § 6:24 judicial rationale for, § 6:24 rules re. § 6:24 Sexual harassment, § 6:13 British Columbia, provision of, § 7:9 warning requirement, § 6:13 Stress suffered by employee, § 6:53 Subsequently ascertained cause, § 6:9 Substance abuse see intoxication and substance abuse, supra Test for determining, § 6:2 Theft generally, § 6:25 appropriation of company property as, § 6:25 duty to conduct investigation, § 6:26 mere suspicion, § 6:25 reasonable explanation, § 6:25 standard of proof, § 6:25 Warning requirement, § 6:7

CHARACTER, REVELATION OF See CAUSE

COLLECTIVE AGREEMENTS Generally, § 2:24

COMMISSIONS

See DAMAGES FOR WRONGFUL DIS-MISSAL

CONDONATION

Commendation, provision of, § 7:9 Described, § 7:1

© 2024 Thomson Reuters, Rel. 11, 12/2024

CONDONATION—Cont'd

Discipline versus termination, § 7:6 Dismissal strategies and, § 14:33 Employer dismissal strategy and, § 14:33 Employer responsibility for cause, § 7:7 Failure to terminate immediately as, § 7:2 length of delay, § 7:3 Federal jurisdiction employees and, § 2:36 Letter of reference, provision of, § 7:10 Pleading requirement, § 7:7 Revival of condoned misconduct, § 7:5 Salary increase, § 7:8 Settlement, provision of, § 7:11 Warnings, § 7:4

CONFIDENTIALITY, DUTY OF

Confidential documents, § 12:13 Confidential information generally, § 12:8 to § 12:12 defined, § 12:8 examples of, § 12:10 factors in determining nature of, § 12:10 objective versus subjective information, § 12:10 onus re proof of use, § 12:9 senior employee's obligations of, § 12:11 test re, § 12:10 theft of, § 12:12

CONFLICT OF INTEREST See CAUSE

CONSTRUCTIVE DISMISSAL

Generally, § 5:1 Cause and, § 5:3 Change of position, negotiation of, § 5:1 Defined, § 5:1 Demotion generally, § 5:1, § 5:14, § 10:27 change in responsibilities cases, § 5:15 good faith business decision, as, § 5:19 implied terms, § 5:18 objective test re, § 5:17 tests for, § 5:16 Employer's good faith, § 5:6 Employment contract, change to, § 5:2 changes not constituting constructive dismissal, § 5:14 **CONSTRUCTIVE DISMISSAL—Cont'd** Federal jurisdiction employees and, § 2:27 Intention of employer, § 5:8 Negotiation, requirement re, § 5:1, § 5:4 Notice and, § 5:3 Notice period, commencement of, § 5:11 Refusal of, § 6:44 Reinstatement, § 10:27 Required circumstances, § 5:1 Resignation forced, § 5:13 motive for, § 5:10 requirement re, § 5:5 Temporary change in conditions, § 5:9 Types of abusive treatment, § 5:27 compulsory leave of absence, § 5:28 demotion see demotion, supra dismissal while mitigating, § 5:31 forced resignation, § 5:13 full-time to part-time transition, § 5:20 lay-off, short-term, § 5:29 major changes found to be constructive dismissal, § 5:12 managers, deprivation of responsibilities, § 5:14 promotion issues, § 5:14, § 5:15 reduced work week, § 5:28 remuneration, reduction of generally, § 5:20 benefits, change in, § 5:20 continued employment option, § 5:20 finalization requirement, § 5:20 good faith act by employer, § 5:20 package, significant change to, § 5:20 retroactive reduction, § 5:20 significant amount requirement, § 5:20 remuneration, refusal to pay, § 5:20 reporting functions, downward change in, § 5:21 responsibilities, changes in generally, § 5:15, § 5:22 employer-employee relationship, history of, § 5:25 management rights, § 5:23

CONSTRUCTIVE DISMISSAL—Cont'd Types of—Cont'd suspension pending investigation, § 5:30 transfer, § 5:14 transfer, forced generally, § 5:26 employee's response options, § 5:26 employee's right to refuse, § 5:26 tests, § 5:26 undue hardship to employee, where, § 5:26 unpaid overtime, § 5:28 Waiver by delay, § 5:7 reasonable period, determination of, § 5:7 CONTRACT See EMPLOYMENT CONTRACT **CORPORATE CULTURE** See CAUSE COSTS Generally see LITIGATION PROCESS Federal adjudication and, § 2:59 Of litigation, § 13:1, § 14:25 **CROWN EMPLOYEES** See also PUBLIC SERVICE Crown immunity, principle of, § 1:15 Public service statutes, provisions of, § 1:17 Right to fairness, § 1:16 Right to terminate, § 1:15 DAMAGES FOR WRONGFUL DISMISSAL See also FEDERAL JURISDICTION **EMPLOYERS**, remedies Generally, § 9:1 Acceptance of employment, from, § 9:72 Aggravated/moral damages, § 9:71 Automobiles allowance, § 9:33 company car, § 9:32 loss of car after termination, § 9:34 Benefits discretionary, § 9:74 payable over several years, § 9:25 replacement test, § 9:4 valuation of, § 9:4

DAMAGES FOR WRONGFUL DISMISSAL—Cont'd Board and lodging, § 9:26 Bonuses, § 9:5 contractual condition precedents, § 9:9 discretionary bonuses, § 9:6 entitlement to, establishing, § 9:5 integral part of wage structure, where, § 9:5 quantum, § 9:8 treatment of other employees, § 9:7 varying judicial approaches to, § 9:5 Breaks, § 9:12 Canada Pension Plan, § 9:56 Clothing allowance, § 9:27 Club dues, § 9:30 Commissions generally, § 9:3 during notice period, § 9:41 unpaid, § 9:40 Compulsory share sales, § 9:13 Danger pay during notice period, § 9:45 Director's fees, § 9:15 Disability benefits, § 9:16, § 9:84 Employee discount, § 9:36 Employment Insurance premiums, § 9:57 Expense accounts. § 9:29 Expenses incurred to earn income, § 9:60 Expenses saved, § 9:62 Food allowance, § 9:38 Frustration, § 9:75 Government assistance, non-effect of, § 9:78 **Employment Insurance** generally, § 9:79 salary continuation provided, if, § 9:80 severance pay provided, if, § 9:81 social assistance payments, § 9:83 Workers' Compensation, § 9:82 Home loss of, § 9:17 loss on sale price of generally, § 9:18 expenses of selling home, § 9:20 losses not recoverable, § 9:19 losses recoverable, § 9:21 Incentive trips, § 9:35 Insurance and medical plans, § 9:11 replacement of plan, § 9:11

DAMAGES FOR WRONGFUL DISMISSAL—Cont'd Interest on, § 9:58 Loss of reputation, for, § 9:63 Mental distress, for generally, § 9:68 factors considered, § 9:68 independent actionable wrong requirement, § 9:68 intentional infliction of mental shock, tort of, § 9:69, § 9:70 Vorvis case, § 9:69 Mitigation see also MITIGATION expenses, § 9:39 Money, cost of, § 9:59 Moving expenses, § 9:22 Onus of establishing, § 9:2 Opportunity, loss of, § 9:67 Overtime during notice period, § 9:45 unpaid, § 9:44 Parking allowance, § 9:37 Pensions, § 9:23 Professional fees, § 9:31 Profit-sharing plans, § 9:10 Punitive damages generally, § 9:64 difficulties re, § 9:64 independent actionable wrong requirement, § 9:64 limitations on. § 9:64 malice, § 9:64 purpose of, § 9:64 types of conduct attracting, § 9:64 Quantum meruit, § 9:76 Relocation counselling, § 9:46 Remuneration generally commission income generally, § 9:3, § 9:40 types of, § 9:1 value of, § 9:3 Retaliatory discharge, § 9:73 Salary continuance, § 9:50 Salary increases, § 9:47 competing approaches to, § 9:49 no salary increases, § 9:48 Security of employment, loss of, § 9:66 Severance pay, § 9:55 Sexual harassment, damages for, § 9:65

© 2024 Thomson Reuters, Rel. 11, 12/2024

DAMAGES FOR WRONGFUL DISMISSAL—Cont'd Shift premiums, § 9:43 Sickness benefits, § 9:16, § 9:84 Site allowance, § 9:28 Spousal salary and RRSP, § 9:51 Starting business, mitigation by, § 9:52 Stock options generally, § 9:14 selling short as mitigation, § 9:14 termination versus lawful termination, § 9:14 value, assessment of, § 9:14 Subsidized loans, § 9:24 Tax liability, increased, § 9:61 Tax treatment of employee's position, APPA § A:1 employer's position deductibility of severance payment, APPA§A:7 withholding requirement, APPA § A:8 exemplary damages, APPA § A:5 interest, APPA § A:2 legal expenses, APPA § A:4 mental distress, for, APPA § A:5 relocation counselling, APPA § A:3 retiring allowance, transferring to RRSP, APPA § A:6 Test for quantum, § 9:1 Tips, § 9:42 Unpaid commissions, § 9:40 Unpaid overtime, § 9:44 Vacation pay generally, § 9:53 unpaid, § 9:54 Wallace damages, § 8:35 War or civil unrest, § 9:75 DEFAMATION

By EI Record of Employment, **§ 15:31** Individuals, **§ 4:4** Individuals, employer, **§ 4:4**

DEFAULT JUDGMENT Generally, § 15:2

DEMOTION

Constructive dismissal and see CONSTRUCTIVE DISMISSAL **DEMOTION**—Cont'd Mitigation and see MITIGATION, reinstatement or demotion, obligation to accept DIRECTORS Fees, § 9:15 Fiduciary duty of, § 12:20 Liability for suit see LIABILITY FOR SUIT Non-employee, as, § 1:3 DISABILITY Benefits, § 6:31, § 9:16, § 9:84 Frustration of contract, § 6:31 Grounds for dismissal, as, § 2:47 DISCIPLINE Probationary employees and, § 1:28 Progressive, § 2:34 Termination versus, § 7:6 DISHONESTY See CAUSE DISMISSAL, COMMON LAW RULES **OF, APPLICATION OF** Conflicts of laws jurisdictional issues, § 1:39 Crown employees see CROWN EMPLOYEES Deceased employees, § 1:34 Ecclesiastical office-holders, § 1:30 Employees of foreign states, § 1:33 Employee status, determination of see EMPLOYEE STATUS Invalid hiring, where, § 1:35 Military officers, § 1:31 Municipal employees see MUNICIPAL EMPLOYEES Non-application classes of employees, § 1:1 contracts specifying termination payment, § 1:1 Crown employees, § 1:1 employees terminable at will, § 1:1 Employment Standards Act claims. persons restricted to, § 1:1 fixed-term contract employees, § 1:1 Human Rights Code claims, persons restricted to, § 1:1 mandatory retirement retirees, § 1:1 probationary employees, § 1:1

DISMISSAL, COMMON LAW RULES OF, APPLICATION OF—Cont'd

Non-application-Cont'd statutory remedy, persons restricted to, § 1:1 unionized worker, § 1:1 variable hours contracts, § 1:1 Non-employees see EMPLOYEE STATUS Nova Scotia Labour Standards Code, provisions of, § 1:36 Prisoners, § 1:32 Probationary employees see PROBATIONARY EMPLOYEES Quebec Act respecting Labour Standards, provisions of, § 1:36 Statutory office-holders, § 1:19 Statutory remedies, § 1:36 to § 1:38 employment standards Acts, remedies under, § 1:38 Territorial jurisdiction, § 1:39

DISMISSAL STRATEGIES See EMPLOYEE'S DISMISSAL STRATEGIES; EMPLOYER'S DIS-MISSAL STRATEGIES

DISOBEDIENCE See CAUSE

ECONOMIC DIFFICULTY See NOTICE PERIOD, length of, factors determining

EMPLOYEE

See also STATUTORY OFFICE-HOLD-ERS Crown see CROWN EMPLOYEES Federal jurisdiction see FEDERAL JURISDICTION **EMPLOYERS** Municipal see MUNICIPAL EMPLOYEES Probationary see PROBATIONARY EMPLOYEES Resignation by see **RESIGNATION** Status see EMPLOYEE STATUS Strategies see EMPLOYEE'S DISMISSAL **STRATEGIES**

© 2024 Thomson Reuters, Rel. 11, 12/2024

EMPLOYEE'S DISMISSAL **STRATEGIES** Generally, § 13:1 Company documents, copying, § 13:8 Confrontation, avoiding, § 13:16 Costs of litigation, § 13:1 Damages, mitigating, § 13:9 Documents, importance of, § 13:3 File, building, § 13:8 Fortitude, exercising, § 13:18 Impropriety, avoiding, § 13:14 Job description, obtaining, § 13:4 Lawyer, functions of, § 12:5 Letters of support, soliciting, § 13:13 Mental distress, substantiating, § 13:10 Paper trail, creation of, § 13:3 Part payment, effect of accepting, § 13:15 Reasons for dismissal, obtaining, § 13:6 Reference from third party, § 13:11 obtaining, § 13:5 Starting new business, employing caution, § 13:12 Termination interview, recording, § 13:7 Witnesses, securing, § 13:17

EMPLOYEE'S DUTIES

Confidentiality see CONFIDENTIALITY, DUTY OF Divesting corporate opportunities, § 12:19 Duty of loyalty, § 12:22 Employer's property, care of, § 12:24 Employer's reputation, damages to, § 12:32 Fiduciary duty see FIDUCIARY DUTY Non-solicitation see NON-SOLICITATION, DUTY OF Repayment of loans, § 12:31

EMPLOYEE STATUS

Generally, § 1:2 to § 1:13 Attributes of, § 4:7 Determination of, § 4:7 Intermediate agents, § 1:14 Non-employees generally, § 1:2 to § 1:7 agents, § 1:2 directors, § 1:3 independent contractors, § 1:7

EMPLOYEE STATUS—Cont'd

Non-employees—Cont'd joint venturers, § 1:6 partners, § 1:5 shareholders, § 1:4 Tests to determine generally, § 1:8, § 1:13 control test, § 1:9 factors considered, § 1:13 fourfold test, § 1:10 organization test, § 1:11 permanency test, § 1:12 Volunteers versus employees, § 1:29

EMPLOYERS

Determination of generally, § 4:1 affiliated companies, § 4:1 consortium of companies, § 4:1 control test, use of, § 4:1 joint liability, § 4:1 lifting corporate veil, § 4:1 multiple employers, § 4:1 transferred employee, § 4:1 Federal jurisdiction see FEDERAL JURISDICTION **EMPLOYERS** Legal rights of confidentiality see CONFIDENTIALITY. DUTY OF divesting corporate opportunities, § 12:19 duty of loyalty, § 12:22 employer's property, care of, § 12:24 employer's reputation, damages to, § 12:32 employer's right to command its affairs, § 12:7 fiduciary duty see FIDUCIARY DUTY implied terms of employment, damages for breach of, § 12:33 inducing breach of contract, claim re, § 12:6 negligence, indemnification for, § 12:23 non-solicitation see NON-SOLICITATION, DUTY OF

EMPLOYERS—Cont'd

Legal rights of-Cont'd reference checks see REFERENCES repayment of loans, § 12:31 repudiation or abandonment of employment, § 12:5 tort of civil conspiracy, § 12:21 wrongful resignation see WRONGFUL RESIGNATION Liability of see LIABILITY FOR SUIT Statutory duties on employee termination, § 1:40 **EMPLOYER'S DISMISSAL STRATEGIES** Announcement of termination, § 14:34 Building case, § 14:22 pitfalls, § 14:24 steps to follow, § 14:23 Cause advisability of allegation of, § 14:32 assertion of, § 14:32 general explanation, use of, § 14:32 Changes to employment terms generally, § 14:1 documentation, § 14:5 negotiation, § 14:3 notice, giving, § 14:6 rationale for, adopting acceptable, § 14:2 rights and positions, broadly defining, § 14:7 time for acceptance, reasonable, § 14:4 Condonation, § 14:33 Early retirement as alternative to termination, § 14:42 Litigation effects and costs of, § 14:25 employee attitudes affecting likelihood and course of, § 14:26 settlement offers, § 14:26 Litigation strategies generally, § 14:43 to § 14:49 employer contacts, § 14:47 employer's job search, § 14:46 file review, § 14:49 jury notice, advisability of, § 14:48 references, § 14:43 relocation counselling, § 14:43

EMPLOYER'S DISMISSAL STRATEGIES—Cont'd

Litigation strategies—Cont'd statements, preparation of, § 14:45 Mass termination meetings, § 14:35 Notice versus payment in lieu of notice, § 14:39 Payment options generally, § 14:38, § 14:39 bridging, § 14:38 combination of options, § 14:38 giving notice, § 14:38 lump-sum severance, § 14:38 no payment, § 14:38 Potential repercussions, § 14:25 Preventative maintenance generally, § 14:8 application forms, § 14:9 comparability in wage structures, § 14:17 exit interviews, § 14:21 expectations, outlining, § 14:11 feedback, providing, § 14:12 performance review policy, § 14:20 problems, approaches to, § 14:13 selecting candidates, § 14:10 severance policies, flexible, § 14:19 supervisors, training, § 14:14 terms and conditions of employment. development of, § 14:15 transfer versus termination, § 14:16 United States parents, educating, § 14:18 References, provision of generally, § 14:36 negligent referencing, action for, § 14:36 positive references, § 14:36 Release, execution of. § 14:41 Severance settlements, offering generally, § 14:37 cause alleged, where, § 14:37 miscellaneous strategies, § 14:40 notice versus payment in lieu of notice, § 14:39 payment options, § 14:38 Termination interview generally, § 14:27 to § 14:30 agenda for, § 14:30 conduct of, § 14:30

EMPLOYER'S DISMISSAL STRATEGIES—Cont'd Termination interview—Cont'd identity of terminator, § 14:27 letter of reference, provision of, § 14:30 place of, § 14:28 post-interview issues, § 14:31 preparation for, § 14:30 security issues, § 14:31 timing of, § 14:29 training re, § 14:27 EMPLOYMENT CONTRACT See also EMPLOYMENT RELATION-SHIP Generally, § 11:1 Confidentiality provisions, § 11:17 Consideration requirement, § 11:22 Contractual requirements, § 3:4 Defences to generally, § 11:21 to § 11:23 bargaining power inequality, § 11:23 consideration requirement, § 11:22 fairness, § 11:23 legal/equitable contract law defences, § 11:23 public policy considerations, § 11:23 punitive provisions, employee's ignorance of, § 11:23 unconscionable circumstances, § 11:23 Employment policies, contractual status of, § 11:25 Execution of, § 11:1 Express expectations, § 11:2 Failure to enter formal contract, § 11:24 Forms or pamphlets as part of, § 3:4 Implied terms generally, § 3:7 to § 3:11, § 11:3 by law, § 3:7 by parties' intention generally, § 3:8 court's reluctance to imply, § 3:8 industry custom, § 3:10 intention at time of hiring, § 3:9 objective test re, § 3:11 test re. § 3:8 determination of, § 3:7 duties, implied, § 11:3 non-implied terms, § 11:3

© 2024 Thomson Reuters, Rel. 11, 12/2024

Record of employment, defamation by, Job description and requirements, § 11:2 Non-competition clause EMPLOYMENT RELATIONSHIP generally, § 11:18 See also EMPLOYMENT CONTRACT enforcement of, § 11:18, § 11:21 Generally, § 3:1 legitimate interest requiring protection, Misrepresentation existence of, § 11:18 overkill, § 11:18 public interest considerations, § 11:18 reasonableness of, § 11:18 Non-solicitation covenants generally, § 11:19 enforcement of, § 11:19 injunction applications. § 11:20 Parol evidence rule, application of, § 3:5 Parties' practices as part of, § 3:6 Remuneration provisions, § 11:6 Restrictive covenants see non-competition clause, supra; nonsolicitation covenants, supra Technical breach, § 11:26 Termination provisions generally, § 11:7 to § 11:16 binding contracts, examples of, § 11:11 cause, specification of, § 11:8 changes to other portions of contract, § 11:15 employee resignation, notice requirement, § 11:16 employment standards, § 11:14 enforcement of, § 11:7, § 11:11 explanation of, § 11:7 general issues, § 11:7 non-binding contracts, examples of, § 11:12 notice provision, § 11:9 rectification by court. § 11:7 time considerations, § 11:13 unconscionable contract, § 11:10 Term of generally, § 11:5 annual contracts, multiple, § 11:5 fixed term versus indefinite, § 11:5 Statute of Frauds, § 11:5

EMPLOYMENT CONTRACT—Cont'd Interpretation rules, application of, § 3:4,

§ 11:4

term contracts, § 11:5 Uses of, § 11:1 to § 11:4 Written severance policies as part of, § 3:4

generally, § 3:3 duty of care, § 3:3 negligence versus mere puffery, § 3:3 Negligent misrepresentation, § 3:3

EMPLOYMENT INSURANCE

§ 15:31

Premiums, damages and, § 9:57

Oral terms, § 3:2 Written terms, § 3:4 Wrongful hiring, § 3:3

EMPLOYMENT STANDARDS LEGISLATION

Adjudication under see LITIGATION PROCESS Mitigation, § 10:11 Notice periods, § 8:13 Statutory remedies under, § 1:38 Termination provisions, § 11:14

ESTOPPEL

Equitable, § 11:4 Issue estoppel, § 2:66, § 15:44

FEDERAL JURISDICTION **EMPLOYERS**

Adjudicator/adjudication non-procedural jurisdiction generally, § 2:15 applicability of Canada Labour Code, § 2:16 extra-territorial application, § 2:19 implementing decision, § 2:17 preliminary issues, § 2:16 settlement and release. § 2:18 precedents, as, § 2:64 procedural jurisdiction generally, § 2:5 adjournment, § 2:14 appointment of, § 2:4 evidentiary matters, § 2:8 admissibility, § 2:9 credibility, § 2:10 cross-examination, § 2:12 limits on submissions, § 2:13 order of presentation, § 2:11

Index-10

LAW OF DISMISSAL IN CANADA

FEDERAL JURISDICTION

INDEX

EMPLOYERS—Cont'd Adjudicator/adjudication-Cont'd procedural jurisdiction-Cont'd particulars, § 2:7 productions, § 2:7 venue, choice of, § 2:6 witnesses, § 2:7 remedial jurisdiction see remedies, infra Bias, § 2:68 Choice of forum, § 2:1 Common law jurisprudence, use of, § 2:65 Complaint entitlement generally, § 2:20 Canada Labour Code provisions re, § 2:20 employee, status as, § 2:21 employee subject to collective agreement, § 2:24 managerial employees, § 2:25 ninety-day limitation period, § 2:23 twelve continuous months of employment, § 2:22 Complaint procedure adjudication, § 2:4 under Canada Labour Code, § 2:4 Concurrent redress, § 2:3 Condonation, § 2:36 Constructive dismissal, application of doctrine of, § 2:27 Dismissal, meaning of, § 2:26 Federal jurisdiction, determining, § 2:2 Grounds for dismissal generally, § 2:37 to § 2:52 absenteeism, § 2:46 aggravating factors, § 2:52 breach of company policy, § 2:50 breach of standard of performance, § 2:40 conflict of interest, § 2:43 dishonest conduct, § 2:45 illness, disability and incapacity, § 2:47 inappropriate conduct outside workplace, § 2:49 incompetence, § 2:40 insubordination, § 2:44 intoxication/substance abuse, § 2:48 mitigating factors, § 2:52

FEDERAL JURISDICTION

EMPLOYERS—Cont'd Grounds for dismissal-Cont'd near cause, § 2:51 serious misconduct, § 2:37 sexual harassment, § 2:42 theft/fraud, § 2:45 Human rights, § 2:70 Issue estoppel, § 2:66 Judicial review of adjudicator's decision, § 2:63 Just cause for dismissal generally, § 2:33 to § 2:35 culminating incident requirement, § 2:35 just cause, meaning of, § 2:33 onus of proof, § 2:33 progressive discipline requirement, § 2:34 Lay-off generally, § 2:29 to § 2:32 adjudicator's jurisdiction under Canada Labour Code, § 2:29 case law re bona fide lay-off, § 2:32 discontinuance of a function, meaning of. § 2:31 lack of work, meaning of, § 2:30 Remedies generally, § 2:53 adjudicator's broad jurisdiction, § 2:53 costs, § 2:59 general damages, § 2:55 mental distress damages, § 2:56 mitigation of damages, § 2:60 punitive/exemplary damages, § 2:56 reinstatement, § 2:54 Wallace damages, § 2:57 Resignation, § 2:28 Res judicata, § 2:66 FIDUCIARY DUTY

Breach of actions damaging to employer's interests or reputation, § 6:14 concealment from employer, § 6:14 dishonesty to employer, § 6:14 employer's remedy, § 6:15 failure to provide full-time service,

§ 6:14
failure to serve faithfully, § 6:14

 $\ensuremath{\mathbb{C}}$ 2024 Thomson Reuters, Rel. 11, 12/2024

FIDUCIARY DUTY—Cont'd Breach of—Cont'd revelation of confidential information, § 6:14 Damages for breach, § 12:20 Defined, § 12:20 Directors or officers of companies, § 12:20 Employment relationship per se, § 12:20 Existence of, factors, § 12:20 Non-competition clause, existence of, § 12:20 Non-solicitation, § 12:14, § 12:15 Post-employment survival of, § 12:20 Scope of, § 12:20

FRAUD AND DISHONESTY See CAUSE

FRUSTRATION OF CONTRACT See CAUSE

GARNISHMENT Generally, § 6:47

GOVERNMENT ASSISTANCE See DAMAGES FOR WRONGFUL DIS-MISSAL

HIRING

Circumstances surrounding re notice period, § 8:23 to § 8:25 Intention at time of, § 3:9 Invalid, § 1:35 Wrongful hiring, § 3:3

HUMAN RIGHTS LEGISLATION

Concurrent redress, **§ 2:3** Discharge based on, **§ 15:19** federal jurisdiction employers, **§ 2:70** Persons claiming under, **§ 1:1**

ILLNESS

Generally see CAUSE Frustration of contract, as causing, § 6:31 Grounds for dismissal, as, § 2:47

INCOMPETENCE

Generally see CAUSE Grounds for dismissal, as, **§ 2:40** Personality conflict versus, **§ 6:40**

Index-12

INDEPENDENT CONTRACTORS Generally, § 1:7

INSOLENCE AND INSUBORDINATION See CAUSE

INSURANCE COVERAGE Generally, § 15:42

INSURANCE PLANS Generally, § 9:11

INTEREST Litigation and, § 15:14 Tax treatment of, APPA § A:2

INTERMEDIATE AGENTS, EMPLOYMENT STATUS OF Generally, § 1:14

JUDGMENT (DEFAULT, ETC.) Generally, § 15:2

Foreign currency, § 15:2

JURISDICTION

Conflicts of laws jurisdictional issues, § 1:39 Federal

see FEDERAL JURISDICTION EMPLOYERS Reinstatement, jurisdiction to order, § 8:1 Territorial jurisdiction, § 1:39

LATENESS

See ABSENTEEISM AND LATENESS

LAWYER, FUNCTIONS OF Generally, § 12:5

LAY-OFF

Federal jurisdiction employment see FEDERAL JURISDICTION EMPLOYERS Length of service calculation, § 8:32 Short-term, § 5:29

LEGAL EXPENSES Generally, APPA § A:4

LIABILITY FOR SUIT

Charitable organizations, § 4:2 Directors, corporate generally, § 4:3 corporate acts, personal liability for, § 4:3

LIABILITY FOR SUIT—Cont'd

Directors, corporate—Cont'd corporate debts, personal liability for, § 4:3 Individual officers or employees generally, § 4:4 exclusionary rule, § 4:4 tort of inducing breach of contract, § 4:4 tort of intimidation, § 4:5 Not-for-profit organizations, § 4:2 Third parties, § 4:6

LIMITATION PERIODS

Federal employee complaint entitlement, § 2:23 Wrongful dismissal action, § 15:21

LITIGATION COSTS Generally, § 13:1, § 14:25

LITIGATION PROCESS

Anton Piller order. § 15:46 Appeals generally, § 15:15 findings of fact, review of, § 15:15 stay pending, § 15:15 Arbitration, confidentiality, § 15:26 Conflicts of laws issues, § 15:30 Costs generally, § 15:4 assessment of, § 15:33 award, § 15:5 no award, § 15:4 settlement offer, effect of, § 15:7 solicitor-and-client costs, § 15:6 substantial-indemnity costs, § 15:6 Counsel checklist, § 15:49 Crown, suit against, § 15:3 Discoveries generally, § 15:36 examinations for, § 15:37 proper deponent on, § 15:36 Employer commencing action, § 15:27 Employment Insurance record of employment, defamation by, § 15:31 Employment standards adjudication see also EMPLOYMENT STAN-DARDS LEGISLATION, statutory remedies under civil claim following, § 15:28 enforcing remedy, § 15:29

LITIGATION PROCESS—Cont'd Foreclosure by company mortgage, restraining, § 15:16 Forum of action, § 15:30 Fraudulent conveyance, § 15:45 Garnishment (prejudgment, etc.), § 15:12 Human rights legislation, discharge based on, § 15:19 Insurance coverage, § 15:42 Interest, § 15:14 Interlocutory/permanent injunction, § 15:18 Issue estoppel, abuse of process, § 15:44 Employment Standards Act findings, § 15:44 Joinder of actions, § 15:43 Judgment, § 15:2 Judicial bias, § 15:48 Judicial review, § 15:47 Jury notice, § 15:13 Laches. § 15:21 Limitation period, § 15:21 Mareva injunction restraining transfer of assets, § 15:17 Non-suit applications, § 15:41 Oppression remedy under Business Corporations Acts, § 15:34 Pleadings generally, § 15:1 amendments to, § 15:1 cause, pleading, § 15:1 severance offer, of, § 15:35 striking out, basis for, § 15:1 Production/admissibility of documents, § 15:38 Reference, no obligation to provide, § 15:32 Security for costs, § 15:11 Special versus general damages, § 15:22 Spousal action, § 15:20 Stav of execution, § 15:15, § 15:25 of proceedings, § 15:24 pending appeal, § 15:15 pending arbitration, § 15:23 Summary judgment generally, § 15:39 advantages of, § 15:40 considerations re bringing motion,

§ 15:40

© 2024 Thomson Reuters, Rel. 11, 12/2024

LITIGATION PROCESS—Cont'd Summary judgment—Cont'd to recover employer's property, § 15:39

LITIGATION STRATEGIES See EMPLOYER'S DISMISSAL STRATEGIES

MANAGER Deprivation of responsibilities, § 5:14 Federal jurisdiction, § 2:25

MEDICAL PLANS Generally, § 9:11

MENTAL DISTRESS Damages for generally see DAMAGES FOR WRONGFUL DISMISSAL federal regime, § 2:56 tax treatment of, APP A § A:5 Intentional infliction of mental shock, tort of, § 9:69, § 9:70 Substantiating, § 13:10

MISCELLANEOUS STATUTORY ISSUES Generally, § 2:69

MISCONDUCT See CAUSE

MISREPRESENTATION

Employment relationship and see EMPLOYMENT RELATIONSHIP Qualifications, fraudulent misrepresentation re, § 6:11 References, re, § 12:27

MITIGATION

Generally, § 10:1 Consequences of duty to mitigate generally, § 10:5 to § 10:9 income earned, § 10:5 new increased salary, § 10:5 new reduced salary, § 10:5 limited efforts, § 10:6 reduction of notice period, § 10:8 resignation from new position, § 10:7 trial during notice period, § 10:8 Constructive dismissal and, § 5:31 Damages for expenses of, § 9:39 MITIGATION-Cont'd Demotion see reinstatement or demotion, obligation to accept, infra Employee's duty re, § 10:1 Employee's strategy re. § 13:9 Employment standards, § 10:11 Expenses incurred in job search, § 10:1 Extent of duty generally, § 10:13 to § 10:21 activity required, § 10:13 age factor, § 10:15 contract, effect of, § 10:16 economic condition of marketplace, § 10:15 length of service factor. § 10:15 lesser job, acceptance of, § 10:13 mental and physical condition of employee, § 10:14, § 10:15 new position, effect of, § 10:17 reasonable efforts, meaning of, § 10:13, § 10:15 re-education, § 10:21 relocation, reasonableness of, § 10:20 relocation counselling, § 10:18 scope of job search, § 10:19 subjective factors, § 10:14 Federal employee, by, § 2:60 Non-competition, § 10:15 Onus on employer evidence, § 10:4 reasonable time, § 10:3 to prove failure to mitigate, § 10:2 unreasonable refusals to take new job, § 10:3 Pursuit of alternative employment, § 10:1 Reinstatement or demotion, obligation to accept generally, § 10:27, § 10:28 constructive dismissal test, § 10:27 lesser position, § 10:28 reasonableness test, § 10:27, § 10:28 relevant factors, § 10:27 Rejection of job offer, entitlement re generally, § 10:10 career objectives considerations, § 10:12 School, return to, § 10:21, § 10:26 Starting own business generally, § 9:52, § 10:22 to § 10:26

MITIGATION—Cont'd

Starting own business—Cont'd business expenses, § 10:25 earnings from new business, § 10:24 no/limited job prospects, where, § 10:23 requirement of mitigation, as, § 10:23 Stock options, selling short, § 9:14 Term employment, § 10:31 Termination from new position, effect of, § 10:29 Working notice, § 10:30

MUNICIPAL EMPLOYEES

Generally, § 1:20 to § 1:22 Discharge setting aside, § 1:21 statutory protections re, § 1:22 Officers versus employees, § 1:20

NON-CAUSE

Actions of employer, § 6:51 Constructive dismissal, refusal of, § 6:44 Garnishment, § 6:47 Looking for other employment, § 6:46 Personality conflict generally, § 6:40 conflict with co-workers, § 6:40 context of misconduct, § 6:40 improper fit problem, § 6:40 incompatible with employment, where, § 6:40 incompetence versus, § 6:40 Redundancy, § 6:41 Refusal to do unsafe work, § 6:48 Reporting misdeeds, § 6:45 Resignation, § 6:50 Retaining of solicitor, § 6:43 Retirement/early retirement, § 6:42 Sale of business, **§ 6:49** Work shortage, § 6:41

NON-COMPETITION CLAUSE

Generally see EMPLOYMENT CONTRACT Fiduciary duty and, § 12:20 Notice period and, § 8:51 Unenforceable, § 12:14

NON-SOLICITATION, DUTY OF See also EMPLOYMENT CONTRACT Generally, **§ 12:14**

© 2024 Thomson Reuters, Rel. 11, 12/2024

NON-SOLICITATION, DUTY OF -Cont'd Damages for breach of, measure of, **§ 12:18** Factors determining duty owed, § 12:16 Fiduciary employee and, § 12:14, § 12:15 Injunctions, § 12:14 Interest being protected, § 12:14 Medical practitioners, non-solicitation of, § 12:17 Mere employee and, § 12:14 Non-competition clause, unenforceable, § 12:14 Personal service contracts and, § 12:14 Rectification, equitable remedy of, § 12:14 Senior employees and, § 12:14 Senior versus junior employee, § 12:15

NOTICE

See also NOTICE PERIOD Changes to employment terms, of, § 14:1 Constructive dismissal and see CONSTRUCTIVE DISMISSAL Payment in lieu of versus, § 14:39 Resignation, of, § 11:16 Severance provided to other employees, relevance of, § 6:52 Termination, of see NOTICE PERIOD Working notice, § 10:30

NOTICE PERIOD

Generally, § 8:1 Agency employment, § 8:55 Average, § 8:59 Case law re, tables re, § 8:59 Commencement of, § 8:9 Commissions during, § 9:41 Concept described, § 8:8 Constructive dismissal and, § 5:11 Damages for breach of contract principle, § 8:14 Danger pay during, § 9:45 Duty to mitigate, effect on, § 10:8 Employer options, § 8:8 Employment standards legislation, § 8:13 Irrelevant factor to determine proper notice, § 8:52 Leave, notice given during, § 8:8

NOTICE PERIOD—Cont'd

Length of, factors determining generally, § 8:11 age, § 8:22 availability of similar employment, § 8:5, § 8:11, § 8:14 ballpark justice, § 8:41 cap factor, § 8:13 clerical versus senior management, § 8:13 detrimental reliance, § 8:46 employer in economic difficulty generally, § 8:16 balancing interests, § 8:17 bankruptcy, § 8:16 extent of difficulties required. § 8:18 employer's offer, fairness of, § 8:41 employer's practice, § 8:21 employment history, previous, § 8:39 employment standards legislation, significance of, § 8:13 failure to assist terminated employee, § 8:43 general rule re important factor, § 8:11 hiring, circumstances surrounding generally, § 8:23 to § 8:25 inducement, generally, § 8:23 promise of security, § 8:25 relocation to accept position, § 8:24 individual case as determinant, § 8:11 industry custom in, § 8:20 nature of, § 8:19 insecurity of employment, § 8:42 intention of parties, § 8:45 large employer's resources to relocate employee, § 8:44 length of service generally, § 8:26 to § 8:34 alternate employment, effect on obtaining, § 8:27 breaks in service, § 8:32 determination of, § 8:29 lay-off periods, § 8:32 level, periods at particular, § 8:33 particular industry, service in, § 8:33 related companies, service in, § 8:30 sale of business, § 8:31 severance formulas, § 8:28 short service, significance of, § 8:34

NOTICE PERIOD—Cont'd Length of, factors determining-Cont'd list of. § 8:11 manner of dismissal generally, § 8:35 bad faith discharge, § 8:35 specific conduct warranting increased notice period, § 8:36 unfounded allegations against employee, § 8:35 misconduct, § 8:40 near cause, § 8:40 non-competition agreement, existence of, § 8:51 notice by employee, § 8:47 provincial standards, specific, § 8:50 reasonable expectation test, § 8:11 reasonable range approach, § 8:41 recession, industry in, § 8:15 specialization, § 8:13 standard of performance, § 8:49 status, § 8:13 time to obtain re-employment, § 8:48 Overtime during, § 9:45 Part-time employment, § 8:54 Permanent employment, § 8:56 Provincial variations, § 8:1 Range of, § 8:7 Reasonable notice calculation of, § 8:3 guidelines re, § 8:3 individual determination of, § 8:3 tests for, § 8:4 alternate employment, opportunity for, § 8:5, § 8:11, § 8:14 intention of parties, § 8:6 Resigning employee, employer options re, § 8:57 Statutory, § 8:2, § 8:58 Term employment, principles applicable to. § 8:53 Termination notice as commencement of notice period, § 8:9 requirements of, § 8:10 warning not constituting, § 8:10 Trial during, § 10:8 Upper limit, § 8:7 Wallace damages, § 8:35

OUTSIDE ACTIVITY Generally, § 2:49, § 6:20, § 6:34

PENSIONS Canada Pension Plan, § 9:56 Damages re, § 9:23

PERSONALITY CONFLICT

Corporate culture, undermining, **§ 6:33** Incompetence and, **§ 6:40** Insolence and insubordination and, **§ 6:29** Non-cause for dismissal, as see NON-CAUSE

POLICE OFFICERS Generally, § 1:20

POLICIES, EMPLOYER'S

Breach of see CAUSE Conflict of interest, § 6:21 Contractual status of, § 11:25 Performance review, § 14:20 Written severance policies, § 3:4

PROBATIONARY EMPLOYEES

Generally, § 1:23 Application of dismissal rules to, § 1:1 Disciplinary tactic, § 1:28 Probationary status, establishing, § 1:24 Probationary term generally, § 1:25 to § 1:28 extension of probation, § 1:27 tests for termination, § 1:26 tests re probation, § 1:25 Reason for discharge, right to know, § 6:39 Short service, significance of, § 1:24

PROMOTION

Constructive dismissal issues, § 5:14, § 5:15

PUBLIC SERVICE

See also CROWN EMPLOYEES Generally see FEDERAL JURISDICTION EMPLOYERS Conflict of interest, § 6:16

REASONABLE NOTICE See NOTICE PERIOD

© 2024 Thomson Reuters, Rel. 11, 12/2024

REASON FOR DISCHARGE,

EMPLOYEE'S RIGHT TO KNOW Generally, § 6:39 Opportunity to respond, § 6:39 Probationary employee, § 6:39

RECORD OF EMPLOYMENT

Defamation by, **§ 15:31** Work record, review of, **§ 6:32**

REFERENCES

Aggravated damages, § 9:71 Dismissal strategies re see EMPLOYEE'S DISMISSAL STRATEGIES; EMPLOYER'S DISMISSAL STRATEGIES Effect on dismissal litigation, § 12:30 Employer liability for, § 12:26 Employer litigation strategies, § 14:44 Employer providing reference, § 12:26 Misrepresentation, § 12:27 Non-disclosure, § 12:28 Obligation to disclose, § 12:29 Obligation to provide, § 15:32 Provision of, § 7:10 Termination interview, § 14:30

REINSTATEMENT, JURISDICTION TO ORDER

Generally, § 8:1

RELEASE AGREEMENT

Binding on employee, whether, § 15:10 Grounds for setting aside, § 15:10 Legal and equitable defences to set aside, § 15:10 Scope of, § 15:10 Seal, requirement of, § 15:10 Settlement requirements and, § 15:10 Validity, § 2:61

RELOCATION

See also TRANSFER Hiring, circumstances surrounding, **§ 8:24** Large employer's resources re, **§ 8:44** Mitigation duty, as, **§ 10:20**

RELOCATION COUNSELLING

Damages, **§ 9:46** Litigation strategies re, **§ 14:43** Mitigation duty, as, **§ 10:18** Tax treatment of, **APPA § A:**

REMEDIES

Generally see DAMAGES FOR WRONGFUL DISMISSAL Enforcing employment standards remedy, § 15:29 Equitable remedy of rectification, § 12:14 Federal employers, re see FEDERAL JURISDICTION EMPLOYERS Oppression remedy, § 15:34 Statutory, § 1:1, § 1:19, § 1:38

REMUNERATION

See also SALARY Constructive dismissal and see CONSTRUCTIVE DISMISSAL, types of Contractual provision re, **§ 11:6** Damages re see DAMAGES FOR WRONGFUL DISMISSAL

REPUDIATION OF EMPLOYMENT Generally, § 12:5

RESIGNATION

Constructive dismissal and see CONSTRUCTIVE DISMISSAL EI considerations, § 13:19 Employer options re, § 8:57 Federal employer, from, § 2:28 General, § 12:3 New position, from, § 10:7 Non-cause, as, § 6:50 Notice requirement, § 11:16 Wrongful see WRONGFUL RESIGNATION

RES JUDICATA Generally, § 2:66, § 15:44

RESPONSIBILITIES Change in, § 5:15 Deprivation of, § 5:14

RESTRICTIVE COVENANTS See NON-COMPETITION CLAUSE; NON-SOLICITATION, DUTY OF

RETIREMENT

Early retirement versus termination, § 14:42 Mandatory retirees, § 1:1

Index-18

RETIREMENT—Cont'd Non-cause, as, § 6:42

SALARY See also REMUNERATION Continuance, § 9:50 Damages and see DAMAGES FOR WRONGFUL DISMISSAL Employment Insurance and, § 9:80 Increase as condonation, § 7:8 Mitigation and, § 10:5

SALE OF BUSINESS

Non-cause, as, § 6:49 Notice period and, § 8:31

SETTLEMENT

See also EMPLOYER'S DISMISSAL STRATEGIES; RELEASE AGREE-MENT Acceptance of, evidence of, § 2:62, § 15:8 Accord and satisfaction, as, § 15:8 Condonation and, § 7:11 Equitable defences, § 15:9 Offers, § 14:26, § 15:7 Onus of proving existence of, § 15:8 Setting aside, grounds for, § 15:9 Test for determining existence of, § 15:8

SEVERANCE PAY

Damages and, § 9:55 Deductibility, APPA § A:7 Employment Insurance and, § 9:81 Formulas, § 8:28 Lump-sum severance, § 14:38 Offer, § 15:35 Provided to other employees, relevance of, § 6:52 Severance policies, flexible, § 14:19

SEXUAL HARASSMENT

Cause, as see CAUSE Damages for, **§ 9:65** Federal employer grounds, as, **§ 2:42**

STATUTE OF FRAUDS Generally, § 11:5

STATUTORY OFFICE-HOLDERS Common law rules of dismissal and, § 1:19

STATUTORY OFFICE-HOLDERS **TRADE UNIONS** -Cont'd Generally, § 1:1 Procedural fairness duty toward, § 1:19 STOCK OPTIONS See DAMAGES FOR WRONGFUL DIS-MISSAL **STRATEGIES** See EMPLOYEE'S DISMISSAL STRATEGIES; EMPLOYER'S DIS-MISSAL STRATEGIES **SUSPENSION** Generally, § 5:30 TAXATION See DAMAGES FOR WRONGFUL DIS-MISSAL WAGES **TERM EMPLOYMENT** Generally, § 1:1, § 6:31, § 8:53, § 10:31, § 11:5 **TERMINATION** Announcement of, § 14:34 Contract provisions see EMPLOYMENT CONTRACT Discipline versus, § 7:6 Early retirement versus, § 14:42 From new position, effect of, § 10:29 Mass termination, § 14:35 Notice see NOTICE PERIOD Termination interview generally FOR see EMPLOYER'S DISMISSAL **STRATEGIES** recording, § 13:7 Transfer versus, § 14:16 THEFT Cause, as see CAUSE Confidential information, of, § 12:12 TORT Battery, § 4:4 Defamation, § 4:4 Inducing breach of contract, § 4:4 Intentional infliction of mental shock, § 9:69, § 9:70 Intimidation, § 4:5 Malicious prosecution, § 4:4 Negligence, negligent investigation, § 4:4

© 2024 Thomson Reuters, Rel. 11, 12/2024

TRANSFER See also RELOCATION Constructive dismissal, as see CONSTRUCTIVE DISMISSAL, types of Termination versus, § 14:16 UNJUST DISMISSAL See FEDERAL JURISDICTION **EMPLOYERS** VACATION PAY See DAMAGES FOR WRONGFUL DIS-MISSAL See SALARY WAIVER BY DELAY Generally, § 5:7 WALLACE DAMAGES See NOTICE PERIOD WARNING Condonation and, § 7:4 Requirement of, § 6:12 to § 6:14, § 6:30, § 6:32, § 6:36 Termination notice versus, § 8:10 WITNESSES Generally, § 13:17 WRONGFUL DISMISSAL, ACTION See also CONSTRUCTIVE DISMISSAL

Damages awards see DAMAGES FOR WRONGFUL DISMISSAL Limitation period. § 15:21 Non-damages relief, § 9:77 Notice period, assessment of see NOTICE PERIOD WRONGFUL HIRING

Generally, § 3:3

WRONGFUL RESIGNATION Generally, § 12:1 Action for, components of, § 12:2 Existence of resignation, § 12:3 Reasonable notice requirement, § 12:1 Resignation versus termination, § 12:4

Law of Dismissal in Canada

WRONGFUL RESIGNATION—Cont'd

Rules applicable to resignation, § 12:2 Voluntary resignation, conditions re, § 12:3