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THE LAW OF DISMISSAL IN CANADA, THIRD EDITION

Howard A. Levitt Release No. 8, September 2025

What's New in this Update:

This release includes updates to case law and commentary in Chapters 1 (Applicability of the Law), 2 (Federal Jurisdiction Employers), 5 (Constructive Dismissal), 6 (What is Cause for Discharge?), 9 (Awarding Damages) and 10 (Mitigation).

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Highlights

- Federal Jurisdiction Employers Public Safety Breach of Company Policy Judicial Review Philippe D'Arcangeli c. Fedex, 2025 CAF 115 (F.C.A.) Vavilov cited application for judicial review dismissed no unjust dismissal constituted a reasonable decision by the Board re: the complainant and his refusal respecting the COVID-19 procedure.
- Awarding Damages Insurance and Medical Plans Mercer Celgar Limited Partnership v. Ferweda, 2025 BCCA 120 affirmed on appeal "the judge did not consider inducement in isolation but rather looked at its effect on an employee who was 56 years of age at the time of his termination and had limited options for securing comparable employment given that his work experience was largely restricted to the pulp mill sector" the appellant "has not demonstrated that the judge made a palpable and overriding error in concluding that there was not equal interest in this case" "there is no formula by which an inducement will increase the notice period . . . an award of damages equivalent to 12 months' salary in lieu of notice is not inordinately high in circumstances of this case."

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