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REMEDIES IN LABOUR EMPLOYMENT AND HUMAN RIGHTS LAW

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Publisher's Special Release Note 2021

The pages in this work were reissued in August 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the August 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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Remedies in Labour, Employment and Human Rights Law is a unique resource which provides a comprehensive analysis of the remedial jurisdiction of adjudicators, tribunals and courts to enforce human rights and employment rights. The authors examine remedies arising from labour arbitration, from wrongful dismissal litigation, and from unjust dismissal cases under the *Canada Labour Code*, following labour relations board hearings and in the human rights context. In each instance the authors discuss the purpose and scope of the available remedial orders as well as the source of the remedial authority, then each type of remedial order is detailed and explored.

This release updates Chapter 4 (Remedies in Wrongful Dismissal Litigation)

- **Remedies in Wrongful Dismissal Litigation — Collateral Benefits — Employment Benefits** — An Alberta court determined that, in the absence of any evidence that the employee would have to repay the Canadian Emergency Response Benefit, the payments should be deducted from the wrongful dismissal damages award: *Oostlander v. Cervus Equipment Corporation*, 2022 ABQB 200 (Alta. Q.B.).
- **Remedies in Wrongful Dismissal Litigation — Aggravated and Punitive Damages — Punitive Damages** — An employee was awarded moral damages where the employer acted on unfounded, sexist allegations relating primarily to conduct from years prior and without properly ascertaining the truth. The damages were described as compensatory focusing on the employee's loss arising from the manner in which her employment was terminated and the resulting embarrassment and humiliation, and not on the employer's misconduct: *McGraw v. Southgate (Township)*, 2021 ONSC 7000 (Ont. S.C.J.).
- **Remedies in Wrongful Dismissal Litigation — Aggravated and Punitive Damages — Aggravated Damages** — The British Columbia Court of Appeal awarded punitive damages where a law firm dismissed an articling student based on unfounded accusations of deceit and dishonesty: *Ojanen v. Acumen Law Corporation*, 2021 BCCA 189 (B.C. C.A.).

ProView Developments

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