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EMPLOYMENT LAW MANUAL The Honourable Mr. Justice John R. Sproat Release No. 4, June 2026

In addition to an extensive treatment of wrongful dismissal law in Canada, the *Employment Law Manual: Wrongful Dismissal, Human Rights and Employment Standards* features an examination of discriminatory practices under the *Ontario Human Rights Code* and offences under the *Employment Standards Act, 2000*. A section offering practical advice on hiring and firing is supplemented by a collection of helpful precedents, featuring forms of employment contracts, warning letters, termination letters, and more.

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What's New in this Update

This release updates the caselaw and commentary in Part IV. The *Employment Standards Act*, 2000, chapters 22 (General Provisions), 24 (Termination of Employment), 25 (Reprisals) and 26 (Administration and Enforcement).

Case Highlights

EMPLOYMENT STANDARDS ACT, 2000—GENERAL PROVISIONS—LIABILITY OF CORPORATE OFFICERS, DIRECTORS AND AGENTS In *Shazia Shahid Qureshi a Director of 14111168 Canada Inc., operating as: Popeyes Louisiana Kitchen v. Puneet Sharma*, 2025 CanLII 116097 (Ont. L.R.B.), the Board rejected a company's director's challenge to two Director's Orders to Pay wages, public holiday pay and termination pay to two employees of the company. The director argued that she was not a "real director" because she became a director only because she intended to buy the business and that transaction did not proceed. The Board found that she was unable to rebut the presumption that she was a director because she was named as one on the company's corporate filings at the relevant time, because she had not taken any steps to resign. She remained liable for payment.

EMPLOYMENT STANDARDS ACT, 2000—TERMINATION OF EMPLOYMENT—WILFUL MISCONDUCT, DISOBEDIENCE, OR WILFUL NEGLECT OF DUTY THAT IS NOT TRIVIAL AND HAS NOT BEEN CONDONED BY THE EMPLOYER In *Aussie Stone Marble & Granite Inc. v. Kevin W. Murray*, 2025 CanLII 39842 (Ont. L.R.B.), the Board found that the employer could not escape liability for termination pay on the basis that the employee had been guilty of "wilful misconduct" and therefore fell within the exceptions in the *Employment Standards Act*, 2000 and Regulations, because although the employer had been unaware of the conduct at the time and had therefore not condoned it, in the circumstances, it was reasonable for the employee to believe that it had done so. As a result, the employee was entitled to termination pay.

EMPLOYMENT STANDARDS ACT, 2000—REPRISALS - REMEDIES In *614128 Ontario Ltd. v. Kevin Kinzett*, 2025 CanLII 62626 (Ont. L.R.B.), the Board found that the employee had been subjected to reprisal in the form of termination of his employment because he had added further allegations to an existing claim filed with the Employment Standards Branch. In *614128 Ontario Ltd. v. Kevin Kinzett, and Director of Employment Standards*, 2026 CanLII 3771 (Ont. L.R.B.), the Board reviewed the principles for determining compensation for reprisal and awarded the employee \$130,003.60 as compensation for reprisal.

EMPLOYMENT STANDARDS ACT, 2000—ADMINISTRATION AND ENFORCEMENT—OFFENCES AND PROSECUTIONS In *Ontario (Labour, Immigration, Training and Skills Development) v. ML Staffing Solutions*, February 25, 2026, decision of F. de M. Mendes, Justice of the Peace, a company that had provided fraudulent documents to an Employment Standards Officer during an inspection was charged under s. 132 of the *Employment Standards Act*, 2000 with pro-

ducing false documents contrary to s. 131(1) of the Act and with hindering, obstructing and/or interfering with an Employment Standards Officer conducting an investigation contrary to subsection 91(11) of the *Act*. The company pleaded guilty and was fined \$100,000, the maximum fine possible under the *Act*.