

***An Update has
Arrived in Your
Library for:***

**Please circulate this notice to anyone
in your office who may be interested
in this publication.**

Distribution List

	<input type="checkbox"/>

CANADIAN EMPLOYMENT LAW

Stacey Reginald Ball

Release No. 79, March 2018

Canadian Employment Law is a one-stop reference that provides a thorough survey of the law with analysis of developing trends. Canadian Employment Law has been cited by the Supreme Court of Canada, and in superior courts in every province in Canada. With methodically organized chapters, Canadian Employment Law can be counted on to provide detailed analysis of the facts and law of thousands of relevant cases. The subject-matter is wide-ranging and addresses topics including wrongful dismissal, fiduciary obligations, tort law and vicarious liability, remedies, constitutional issues, occupational health and safety, employment contracts, duty of good faith and human rights.

What's New in this Update:

This release updates the case law and commentary in Chapter 2 (Constitutional Jurisdiction), Chapter 4 (Status of the Employer), Chapter 6 (Employment Contracts), Chapter 8 (The Right to Terminate the Employment Relationship), Chapter 9 (Reasonable Notice of Dismissal), Chapter 10 (Constructive Dismissal), Chapter 11 (Cause for Summary Dismissal), Chapter 12 (Mitigation), Chapter 21 (Canada Labour Code and Non-Organized Employees) and Chapter 22 (Remedies).

THOMSON REUTERS CANADA®

Customer Support

1-416-609-3800 (Toronto & International)

1-800-387-5164 (Toll Free Canada & U.S.)

Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)

Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

Case Highlights

- **Remedies — Action for Wrongful Dismissal — Bonus and Profit Sharing** The Court noted that one must ask: a. Was the bonus an integral part of the compensation package, triggering a common law entitlement to damages in lieu of bonus; and b. If so, is there any language in the bonus plan that would restrict common law entitlement to damages in lieu of a bonus over the notice period: *Singer v. Nordstrong Equipment Limited*, 2018 ONCA 364.
- **Remedies — Punitive Damages — Specific Examples of Conduct Warranting Punitive Damages — Intimidating Employee not to Pursue Rights** The Court reasoned an improper threat by the employer that they would counterclaim for fraud and misrepresentation if the employee sued was a factor in awarding \$100,000 in punitive damages. The employer also “cautioned” the employee “how expensive” the litigation process would be: *Ruston v. Keddeco Mfg. (2011) Ltd.*, 2018 ONSC 2919.
- **Cause for Summary Dismissal — Pornography** The Court held that the employee having pornography on a company laptop computer was not in itself cause for summary dismissal. The Court noted that there was no evidence that the employee created a hostile workplace for other employees, that he had downloaded the pornography at work or that the material itself was illegal: *975866 Ontario (c.o.b. Tagg Industries) v. Reider*, 2018 ONSC 5727.