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<p style="text-align: center;">JUST CAUSE The Law of Summary Dismissal in Canada Mr. Justice Randall Scott Echlin and Matthew L.O. Certosimo Release No. 20, December 2018</p>
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What's New in this Update:

- This release features updates to the case law and commentary in Chapters 1 (Introduction and Origins), 2 (Just Cause), 4 (Frustration), 6 (Principles and Proving Cause), 10 (Dishonesty), 11 (Theft and Fraud), 12 (Conflict of Interest), 13 (Misconduct), 16 (Disobedience), and 17 (Insubordination and Insolence), as well as the Table of Cases.
- The New Developments section has been updated with court and arbitrations decisions from September 26, 2016 - September 26, 2018.
- Words and Phrases and Selected Legal Literature have also been updated with new entries.

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Highlights:

- *Belyea v. Syncrude*, 2018 ABQB 132, where the Alberta Queen's Bench held that the plaintiff intimidated a junior employee and threw a chain at him. In context, having regard to the plaintiff's history of discipline for inappropriate interactions with co-workers, his awareness of and training on the defendant's Treatment of Employees Policy, and his failure to accept responsibility or show remorse, the court concluded that the nature of the misconduct was justified dismissal with cause.
- *Cuconato v. Parker Auto Care Ltd.*, 2018 ONSC 2803, where a senior automotive technician with almost 25 years' service, and an unblemished record, was terminated for making a gesture of a sexual nature behind a female customer's back. The customer did not see, much less complain about the gesture. In context, including the absence of written disciplinary policies and training on workplace harassment and violence, dismissal for the isolated incident was a disproportionate response.
- *Roskaft v. RONA Inc.*, 2018 ONSC 2934, where the Ontario Superior Court reinforced the relevance of post-termination evidence that does "shed light on the nature and extent of the employee's disability at the time of an employee's dismissal." Specifically, the court held that the evidence, including that the plaintiff was still on LTD and continues to represent that he is totally disabled from performing the duties of any occupation, contradicts the plaintiff's assertion that, had the defendant asked for further medical evidence at the time of termination, he would have provided it and he would have been able to return to work: "The Court must determine ... whether at the time of the plaintiff's termination of employment there was no reasonable likelihood that he would be able to return to work within a reasonable period of time I find on the totality of the evidencethat it was reasonable for RONA to [so] conclude ...".