

# EMPLOYMENT LAW

## TERMINATION RIGHTS

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# AGENDA

## TERMINATION OF EMPLOYMENT

- Union vs. Non-Union
  - Cause
- Reasonable Notice

- Bad Faith
- Constructive Dismissal
  - Mitigation
- Special Cases

# UNIONS

- Call Union
- Grievance
- Arbitration

# NON- UNIONS

- Employment Contracts
- Labour Standards Act
  - Common Law

# JUST CAUSE vs. WITHOUT JUST CAUSE

# CAUSE

- Condone
- Consistency

# WITHOUT CAUSE

- Package



# NOTICE

- Working
- Pay in Lieu of Notice

# SALARY

- Benefits
- Pension/RRSP
- Car Allowance

# EMPLOYMENT CONTRACTS

- Get Reviewed!!!!



“THE EMPLOYER CAN TERMINATE THE  
EMPLOYEE ON 30 DAYS’ WRITTEN NOTICE TO  
THE EMPLOYEE”

A decorative graphic consisting of two thick purple L-shaped bars. One bar is in the top-left corner, and the other is in the bottom-right corner, framing the central text.

IS AN EMPLOYEE ON A SERIES OF  
2 YEAR CONTRACTS A  
“CONTRACTUAL EMPLOYEE”

# BARDAL FACTORS

- Length of Service
- Character of Employment
  - Age
- Availability of Similar Employment

ONE MONTH PER YEAR OF SERVICE

- Bad Faith/Moral/Punitive



# CONSTRUCTIVE DISMISSAL

- Change in Salary
- Change in Duties
- Harassment/Abuse

# MITIGATION

- New Job
- Always take a “fair” deal
- Harassment/Abuse

## *MUNICIPALITIES ACT*

### Dismissal

68. (1) A manager, clerk or department head may be dismissed by a vote of 2/3 of the councillors in office, where the vote to dismiss is confirmed by a similar vote at a meeting of the councillors held not earlier than 30 days after the meeting at which the first vote to dismiss was carried.

(2) A meeting of councillors may not hold a vote on a motion to dismiss under subsection (1) unless

- (a) a written notice of the meeting signed by the councillors intending to make and second the motion is deposited with the clerk, mayor or chairperson; and
- (b) a copy of the notice addressed to the person who is the subject of the motion is served on him or her personally or by leaving it at his or her latest known address at least one week before the date of the meeting of the council at which the motion to dismiss is to be made.

# LONG TERM DISABILITY

- Own Occupation (2 years)
  - Any Occupation

# TAKE AWAYS

- Never Quit
- Document Your Experience
- Don't automatically defer to the contract
  - Get your package



# QUESTIONS

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