

**Publisher's Note**  
**2018 — Release 6**  
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**Wrongful Dismissal**

This three-volume national work provides a comprehensive treatment on the law of wrongful dismissal in Canada. Coverage includes: the contract of employment and employee status; types of dismissal and the “just cause” defence; damages and the duty to mitigate; related actions including actions tort, injunctive relief, and statutory actions; employee protections under the *Canada Labour Code*, tax considerations; the impact of statutes on the assessment of damages; practical considerations; charts of notice awards; and relevant legislation and concordance tables.

What's New in this Update:

**Concordance and Legislation** – The “Concordance and Legislation” section has been updated to reflect changes to the titles of employment legislations and updates certain section numbers to reflect accuracy of the content based on reorganizations of the legislation’s sections.

**Issues in Focus** - The “Issues in Focus” section contains updates to eight legal memos:

- When will a Court or Human Rights Tribunal decline to enforce a release executed by a dismissed employee?
- When have the courts found that a poisoned work environment amounts to constructive dismissal?

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- Can ongoing and continuing accommodation of an employee become an undue hardship or justify terminating a contract under the doctrine of frustration?
- When does poor performance constitute just cause for termination of employment?
- Is the “character of employment” test losing its importance as one of the *Bardal* factors in determining reasonable notice in wrongful dismissal cases?
- When does an employer have a duty to investigate alleged harassment or discrimination and what are the potential consequences for failing to conduct an adequate investigation?
- What are the circumstances under which a short-service employee will be found to be entitled to a lengthy period of reasonable notice upon dismissal without cause?
- How do courts respond to employment contracts that attempt to limit termination pay to the minimum standards set out in employment standards legislation? Are these employment contracts effective at limiting damages?

**Selected Legal Literature** - The “Selected Legal Literature” section has been updated with the latest secondary sources that are pertinent to wrongful dismissal law.

**Words and Phrases** - The “Words and Phrases” section has been updated with numerous new defined terms, including entries for: Corrective Measure, Gross Misconduct, Just Cause, Inducement, and more.