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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. 22, December 2020</p>
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Turn to *Just Cause: The Law of Summary Dismissal in Canada* when you need to assess whether marginal behaviour merits the severity of the impact of alleging just cause. This resource sets out the principles and legal concepts within each head of cause, the relevant case law, and bullet-point summaries of factors considered by most courts.

What's New in this Update:

- This release features updates to the case law and commentary in Chapter 1 (Introduction and Origins), Chapter 2 (Just Cause), Chapter 6 (Principles and Proving Cause), Chapter 7 (Condonation), Chapter 8 (After-Acquired Cause), Chapter 10 (Dishonesty), Chapter

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11 (Theft and Fraud), Chapter 12 (Conflicts of Interest), Chapter 13 (Misconduct), Chapter 15 (Incompetence), Chapter 16 (Disobedience), Chapter 17 (Insubordination and Insolence) and Chapter 19 (Unique and Statutory Regimes).

Additionally, the New Developments section has been updated with court, arbitration and statutory adjudication decisions from September 28, 2019 through September 30, 2020, and both the Words and Phrases and Selected Legal Literature features have been updated with new entries.

Highlights:

General Principles — Principles and Proving Cause — Duty to Warn — The Alberta Court of Queen’s Bench reaffirmed the core principle that a warning or progressive discipline is not required in every case as a precondition to a finding of just cause: *Motta v. Davis Wire Industries Ltd.*, 2019 ABQB 899 (Alta. Q.B.).

General Principles — Principles and Proving Cause — Standard of Proof — “Higher Degree of Probability” — The Ontario Superior Court of Justice noted that in civil fraud cases there is only one standard of proof, balance of probabilities, and an employer alleging fraud must meet the civil, not criminal, standard: *Headley v. City of Toronto*, 2019 ONSC 4496 (Ont. S.C.J.).

Grounds — Theft and Fraud — Fraud — Falsification of Company Documents — An employee in the financial services industry who forged a client’s signature on various forms, for which he was disciplined by the regulator, was terminated with just cause: *Movassaghi v. Harbourfront Wealth Management Inc.*, 2020 BCSC 579 (B.C. S.C.).

Grounds — Wilful Disobedience — In Summary — The Alberta Court of Queen’s Bench has quoted the factors listed in section 16:210 of this text with approval and noted their application to an assessment of whether termination was proportionate further to the contextual inquiry mandated by McKinley: *Motta v. Davis Wire Industries Ltd.*, 2019 ABQB 899 (Alta. Q.B.), at paras. 108 and 110.