

# Constructive Dismissal: Employee Took Too Long to File Harassment Constructive Dismissal Case



An employee went on medical leave in 2016 and never returned. Three years later, the company terminated her employment for frustration of contract. A month later, she sued for constructive dismissal, claiming she had been continually harassed at work. In Nova Scotia, the statute of limitations to file a constructive dismissal claim is 3 months. **Question:** Did the employee file her claim in time? The Labour Board said no, reasoning that the deadline for filing the work harassment claims was 6 months from the date she took leave; however, it allowed her to go to trial on her claims relating to harassment in the company's handling of her disability insurance appeal that occurred in the 6 months before she started the lawsuit. The Court of Appeal upheld the Board's ruling and dismissed the appeal [[Daigle v. Mark's Work Warehouse Ltd.](#), 2022 NSCA 5 (CanLII), January 21, 2022].