

Cut in Work Hours Is Not Constructive Dismissal



A dental hygienist quit her job and sued for constructive dismissal after the practice cut her hours from 3 to 2 shifts per week. The Ontario court tossed the claim without a trial. While a 33% reduction in hours was a substantial change, the employment contract provided for only 2 shifts per week and gave the practice wide discretion to change those hours. In fact, the assignment to a third shift was an exercise of that discretion which the practice indicated would be only on a temporary basis. Moreover, other than cutting her hours, the practice didn't engage in any other acts that indicated an intent to repudiate the contract [[Nicholas v. Dr. Edyta Witulska Dentistry Professional Corporation](#), 2022 ONSC 2984 (CanLII), May 18, 2022].