Employee Quit but Still Gets Notice Because Employer Didn’t Accept Resignation

I’ll bet this situation sounds familiar to many of you. A machinist reports that he doesn’t feel well and goes home. For 3 months, he drops off the face of the earth. The company tries calling him but he doesn’t answer. Figuring that he quit, they train his replacement and fill out an ROE. Fearing he won’t qualify for EI, the machinist shows up and wants his job back. Ultimately, he has to settle for 15 months’ notice for wrongful dismissal. The machinist repudiated his contract, that is resigned. But the resignation wasn’t legally effective because the employer didn’t clearly accept it, the BC court reasoned. Lesson: The next time an employee puts you in this situation and you’re prepared to move on, send a letter or communication formally accepting their resignation [*Wong v Polynova Industries Inc*., 2021 BCSC 603 (CanLII), April 1, 2021].