

Employee Waited Too Long to Sue for Constructive Dismissal



After over 3 years of medical leave and no prospect for imminent return, a company terminated a store manager for frustration of contract. As in most provinces, employees in Nova Scotia have 6 months to sue for constructive dismissal. The manager in this case filed her constructive dismissal the very next day after getting her termination notice, citing the workplace bullying and harassment she had endured before going on leave. But because she had been on leave for so long, those events took place years ago. So, the company claimed the constructive dismissal claim was untimely and asked the Nova Scotia arbitrator to toss it out. And that's just what it did. Extensions are sometimes warranted especially when employees become aware of their claims months or years after the fact. But that wasn't the situation in this case and the manager had no excuse for not asserting the claims she had been aware of for years [[*Daigle v Mark's Work Wearhouse Ltd.*](#), 2021 NSLB 3 (CanLII), January 26, 2021].