Harassment Constructive Dismissal Occurs on Last Work Day, Not Resignation



When did the 2-year statute of limitations begin to run for an employee to file her constructive dismissal claim for workplace harassment? The employer claimed it began running on July 26, 2018, when the employee gave 2 weeks' notice of resignation. And since the suit wasn't filed until July 30, 2020, it was too late; the employee contended the clock began ticking when she was escorted out of her office on August 8, 2018. The Nova Scotia court agreed with the employee that the constructive dismissal occurred on August 8, her last day of work. To set the date of dismissal as July 26 would be tantamount to ignoring the 2 extra weeks of harassment she had to endure [*Cochrane v. HFX Broadcasting*, 2021 NSSC 341 (CanLII), December 14, 2021].