How Do You Know If It Is Constructive Dismissal?



Speaker: Teri Treiber & Tessa Green

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Constructive dismissal occurs where the employer demonstrates an intention to no longer be bound to the employment contract. Since the employee has not been formally dismissed by the employer, the employer's act is referred to as "constructive dismissal". This most commonly happens when an employer unilaterally reduces an employee's pay or benefits or reassigns work duties to such an extent that the essential nature of the employee's position is altered. This presentation will provide an overview of when constructive dismissal arises, what remedies are available to an employee who has been constructively dismissed, and what an employer can do to reduce liability in these situations. Examples of specific employer behavior that may amount to constructive dismissal will also be highlighted.

Teri Treiber is a partner at Miller Thomson LLP's Calgary office who specializes in labour and employment law. She assists employers with a variety of issues, including employment agreements, collective agreements, workplace policies, human rights, employment standards, privacy, workplace investigations, performance management, employee discipline, terminations, wrongful and constructive dismissal, grievances and arbitrations, and restrictive covenants.

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