

HR Insider Newsletters – 2017 Year

written by vickyp | April 20, 2020



HR Insider
CANADA'S GUIDE TO HR COMPLIANCE & MANAGEMENT

JANUARY 2017
Volume 15, Issue 1
WWW.HRINSIDER.CA

EMPLOYMENT LAW

The Top Ten HR Cases of 2016

Articles for the most significant employment law cases decided in Canada this year.

- 1. Supreme Court Bars Without Cause**
Termination Benefits Without Cause
A federal energy agency's explanation for firing an employee without cause: the give him a very generous severance package. But the employee sued and the adjudicator ruled that dismissal was unjust despite the severance. In July, the Supreme Court of Canada upheld the adjudicator's ruling without cause may be unjust dismissal even if employees receive the termination notice and severance benefits to which they're entitled under the Canada Labour Code (or a more generous package). But while the case limits employer authority to terminate, it's limited to employees who are both federally registered and non-union. [Labour, Access Canada, at EmploymentLaw.com, July 16, 2016.](#)
- 2. Alberta Case Limits Their Right to Random Drug & Alcohol Testing**
After a spate of drug and alcohol-related security incidents, an employer unilaterally required random testing of safety-sensitive employees, both union and non-union, at the site of the most dangerous of sands sites. The union grieved. The arbitrator ruled in favour of the employer. But in May, the Alberta Court of Queen's Bench set aside the ruling as unreasonable. The employer didn't have to show that drug/alcohol use was the cause of the safety problems prompting the testing policy, and the panel found evidence that there were various incidents justifying the policy. The court said [Canadian Judicial Council, 2016 ABCJ 363, May 16, 2016.](#)
- 3. Ontario Court Says Criminal Charges Alone Not Just Cause to Terminate for Off-duty Conduct**
The 10-year relationship was already going south when a plant learned that a driver had been charged with sexual assault against a minor. The alleged crime occurred away from work and the driver refused to discuss the case with management other than to say that it didn't involve anyone else at the company. Management asked the driver to resign. When he refused, they put him on 2-week leave and reassignment. But after

[Read More on Page 14](#)

IN THIS ISSUE

The Top Ten HR Cases of 2016

- CRIMINAL EMPLOYEES: Screen of Customer Holiday Top 1000s 1
- END OF THE RAINBOW: Surfer Lost After Rescued Diver Against Claims for Worker's Death 4
- NOTICE IN REVIEW: Labor Law, Law & Assessments 5
- NOTICE IN REVIEW: Top 10 Stories in Alberta HR Law in 2016 6
- NOTICE IN REVIEW: Top 10 Stories in Ontario HR Law in 2016 7
- NOTICE IN REVIEW: Top 10 Stories in Ontario HR Law in 2016 8
- FEDERAL HR YEAR IN REVIEW: Top 10 Stories in Federal HR Law in 2016 9