

I have recently been terminated from my employment and my lawyer told me I must mitigate my damages. What does this mean?



Mitigation is a concept in law which requires an injured party to use reasonable efforts to avoid incurring or worsening damage which might otherwise be suffered. In the employment law context this means that an employee who has been unjustly terminated and seeks to recover damages from his or her employer must take reasonable steps to find new employment.

The consequences of not taking reasonable steps are that a court could reduce recoverable damages all the way down to zero.

What sort of steps are necessary?

- Prepare a first-class cover letter and resume;
- Work with your former employer to obtain a favorable reference;
- Get some advice on finding a job (it may have been years since you last looked for a job and times change);
- Register with headhunters/employment agencies;
- Network with contacts to spread the word that you are looking for employment;
- Regularly check job postings in newspapers and online publications;
- Apply to companies even though they may not be advertising for employees;
- Do some upgrading of skills;
- Consider moving to a location where your skills may be in greater demand.

Your lawyer will also require you to keep a consistent record of your efforts in order that you will be able to demonstrate your mitigation efforts as necessary

at a trial.

If you make reasonable efforts and do not find employment you will not have your damages reduced.

Author: Alf Kempf