Indefinite Layoff was Constructive Dismissal



Auto industry worker was laid off for an indefinite period of time. She claimed it was therefore constructive dismissal. The employer claimed she quit because when she was called after 12 weeks of layoff and asked if she would come back she declined. She sought employment insurance benefits claiming termination. The court found that her application for employment insurance made it clear she was treating the layoff as a constructive dismissal and rejected rather than condoned the change in the employment relationship. The court also found that supervisor yelling at her in front of others, changing the chain of command so she no longer reported to that supervisor and being left out of a quality control meeting also provided evidence of constructive dismissal.