

Late Payment of Salary = Constructive Dismissal



Strapped for cash and funding, a non-profit hospice was unable to pay its executive director the \$1,800+ in bi-weekly salary she was due on July 31. The hospice asked for more time but couldn't assure her that the long-term financial problems would be resolved. On Aug. 13, it finally issued her a cheque after getting an HST refund. But the director had resigned on Aug. 8. The OLRB ruled that the delay in payment and failure to guarantee future payments was constructive dismissal and that the director was due termination notice. Although the hospice had experienced financial troubles before, this time things were different because the grant used to pay the executive director position salary had dried up without a new source's being secured [*Di Giuseppe v. Hospice Richmond Hill*, 2015 CanLII 56255 (Sept. 4, 2015)].