

# Supreme Court Makes Employers More Vulnerable to Constructive Dismissal Claims



A director planning to return from sick leave was suspended with pay. Why, and for how long, he asked. Receiving no answers, he figured he was no longer wanted and sued. The agency claimed that by suing, he had repudiated his contract and resigned. The Supreme Court of Canada disagreed. The director didn't quit, he was constructively dismissed. In coming to this conclusion, the Court loosened the standards employees must meet to prove constructive dismissal. The employee need not point to a single specific change; intent to terminate can also be inferred from the circumstances, including the employer's course of conduct and treatment of the employee leading up to the alleged constructive dismissal, said the Court [*Potter v. New Brunswick Legal Aid Services Commission*, 2015 SCC 10 (CanLII), March 6, 2015].